Occupational Safety and Health Act (OSHA) and Workplace Safety

Lawyers in the Occupational Safety and Health Act (OSHA) and Workplace Safety Practice Group assist clients in complying with federal and state occupational safety and health laws and regulations and in responding to work-related injuries, illnesses and other catastrophic events.

We have handled numerous litigation matters before both the federal Occupational Safety and Health Review Commission ("OSHRC") and its state equivalents. We are national OSHA counsel for a large retailer and often appear in venues across the country on behalf of this client and several others.

We also oversee the legal aspects of responding to workplace disasters and the litigation associated with them. Specifically, our experience includes:

Workplace Disaster Litigation

- **Non-Subscriber Claims.** For Texas employers who "opt out" of providing workers' compensation insurance, we have defended them in such industries as manufacturing, oil and gas, retail, healthcare and others in negligence lawsuits resulting from work-related injuries, illnesses or fatalities.
- **Third Party Negligence Lawsuits.** Our group handles a variety of negligence lawsuits filed by employees of contractors, vendors and other third parties where the primary employer may have the benefit of the workers' compensation exclusive remedy bar.
- **Gross Negligence Fatality Lawsuits.** In numerous instances, we have defended companies in gross negligence lawsuits filed by the survivors of employees killed in workplace accidents. These lawsuits have involved a variety of industries, including oil and gas, transportation, communications and construction.

Workplace Disaster Response

- **Training and Response Planning.** We have created procedures for clients to know how to effectively respond when investigated by OSHA and other agencies. Clients have engaged us to train managers on how to handle an OSHA investigation and respond when a catastrophic event occurs.
- **On-Site Disaster Counsel.** When an accident occurs, we are routinely deployed on an emergency basis to coordinate legal issues, interface with government investigators, assist with the presentation of witnesses and gathering of information, and provide legal advice to the root cause analysis team. We have been lead counsel on numerous disaster response teams, including: (i) a fatality and OSHA investigation at a manufacturing facility in Arkansas; (ii) a fatality and OSHA investigation at a hydrocarbon treatment facility in Florida; (iii) a fatality and OSHA investigation at a rig site in West Texas; (iv) an explosion and OSHA investigation at an oilfield services company's West Texas location and (v) an explosion and OSHA investigation at a well site in Central Texas.

OSHA Citations

- **Informal Conference Settlement.** Before the OSHA citation contest period, we have negotiated resolutions with the state or federal OSHA Area Director or equivalent.

© 2026 Haynes and Boone, LLP

- **Administrative Law Judge Trials.** We have successfully taken numerous contested OSHA cases through trial in both federal and state OSHA programs. We have litigated more than 42 OSHA general industry or construction standards, in addition to cases regarding recordkeeping, the General Duty Clause, abatement, and citation classification.
- **Appeals.** Our litigation success extends to handling appeals from the Administrative Law Judge to the appropriate Review Commission or Appeals Board. We have succeeded in reversing many ALJ decisions adverse to our clients.
- **Citation Abatement.** We provide advice to ensure legally compliant abatement of citations.

MSHA Citations

- **Settlement.** We have negotiated various settlements at the outset of MSHA proceedings.
- **ALJ Trials.** We have handled a variety of MSHA matters, including for non-traditional operators, such as logistics companies and vendors.

Compliance

- **Audits.** We have assessed legal compliance through audits and often work in conjunction with retained safety experts to provide advice as to recommended changes for compliance.
- **Policies and Programs.** We have designed safety manuals, procedures, and other policies. We have drafted comprehensive safety manuals and prepared policies on various state and federal OSHA regulations.
- **Training.** In addition to creating or revising workplace safety policies and programs, we have conducted training of managers and non-managers on workplace safety compliance.
- **Variances.** We have filed petitions to state OSHAs for variances from safety standards.

Whistleblower Claims

- **Section 11(c).** We have prepared position paper responses and handled subsequent whistleblower litigation concerning employee complaints of alleged OSHA violations.
- **Environmental Claims.** In conjunction with the Firm's Environmental Practice Group, we have assisted with whistleblower claims under several other statutes enforced by OSHA.

RELATED PRACTICES Labor and Employment, Employment Litigation, Traditional Labor Law, Wage and Hour Litigation, Crisis Management

---

PRIMARY CONTACTS

Matthew Thomas Deffebach

matthew.deffebach@haynesboone.com
+1 713.547.2064

Mini Kapoor, Ph.D.

mini.kapoor@haynesboone.com
+1 713.547.2261

© 2026 Haynes and Boone, LLP