

Matt Deffebach in Business Insider: Employers See Some Success in Negotiating Down OSHA Fines

By Matthew Thomas Deffebach | July 29, 2016

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Employers that face significant penalties for federal workplace safety violations often win reductions in proposed fines during informal talks with regulators, but settling citations is not as easy as it once was.

Companies that are cited by the U.S. Occupational Safety and Health Administration have 15 business days from receipt to comply, request a conference with OSHA's area director or file a notice to contest the findings before the Occupational Safety and Health Review Commission...

OSHA area directors may agree to reduce the fine, but generally will not withdraw all citations or downgrade willful or repeat citations with the highest penalties, he said.

"We used to all experience the walk in, handshake, a little bit of cash and get the egregious citation dismissed," [Matthew Deffebach](#), a Houston-based partner at Haynes & Boone L.L.P., said during the American Society of Safety Engineers' conference in Atlanta last month. "That doesn't happen anymore."

... It is critically important for employers to maintain a cordial relationship during the informal process, with an eye toward potential litigation, Mr. Deffebach said. "Sometimes there's that real desire to go in there, pounding on the table, telling OSHA they've got it wrong and being adversarial at that informal process," he said. "If your relationship has been one that's been copacetic with the agency ... their attitude is much better and it helps us in the litigation."

Excerpted from *Business Insider*. To read the full article, please [click here](#).