

# **A Conversation With OSHA**

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**Ken Montgomery – Cincinnati Area Office**  
**Howie Eberts - Cleveland Area Office**

# Deputy Secretary of Labor



Julie Su

# Assistant Secretary of Labor – OSHA

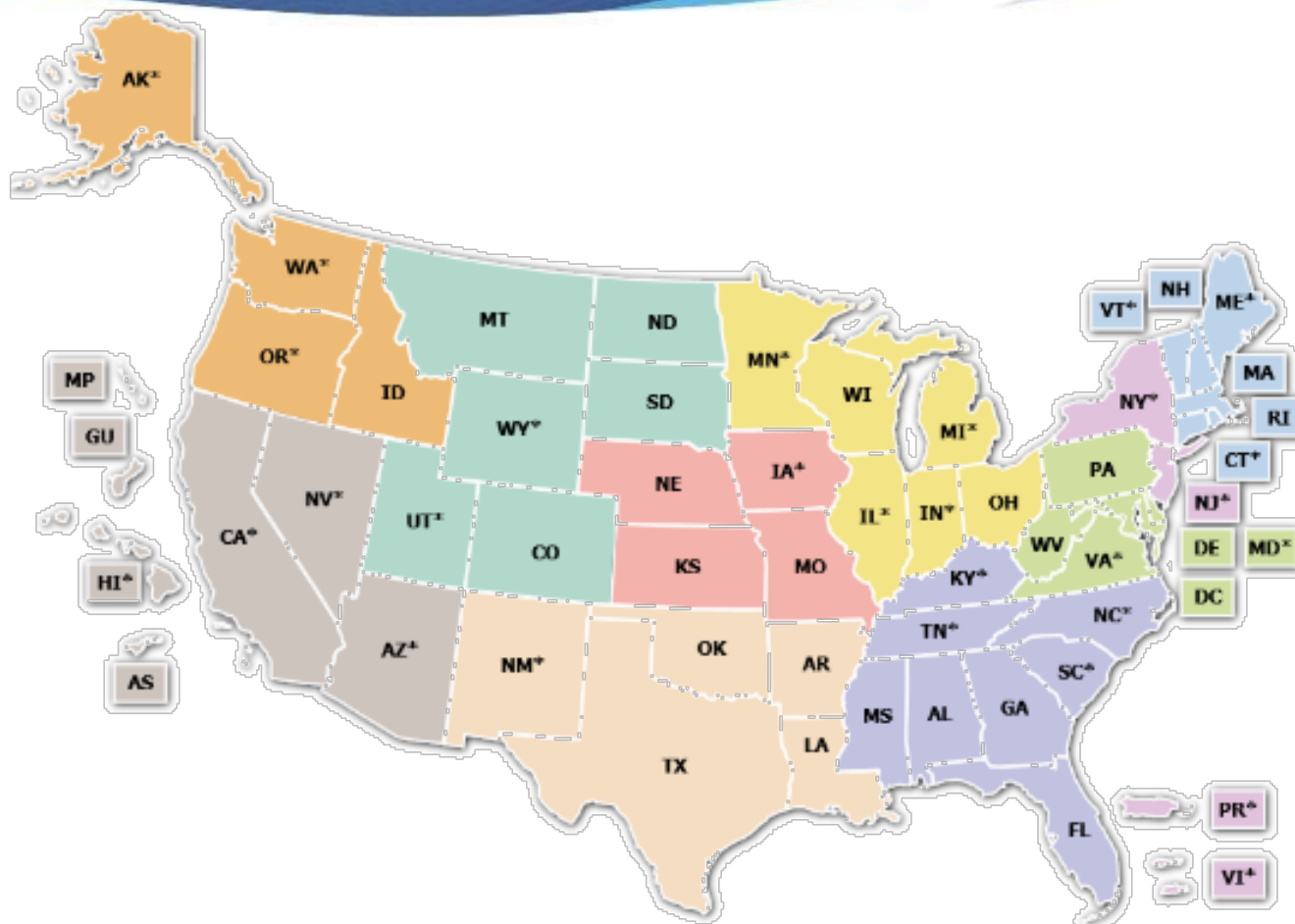


Doug Parker  
Chief of Cal/OSHA

# OSHA's Continuing Mission

- OSHA and its state partners, coupled with efforts of employers, safety & health professionals, unions and advocates, have helped **dramatically reduce** workplace injuries and illnesses.
- Worker fatalities in America are **down**— on average, from 38 workers a day in 1970 to **13** a day in **2020**.
- Worker injuries and illnesses are **down**— from 10.9 incidents per 100 workers in 1972 to **2.9** per 100 in **2020**.

# How OSHA is Organized



- Region 1: Boston
- Region 2: New York
- Region 3: Philadelphia
- Region 4: Atlanta
- Region 5: Chicago
- Region 6: Dallas
- Region 7: Kansas City
- Region 8: Denver
- Region 9: San Francisco
- Region 10: Seattle

# Ohio OSHA Offices

**Toledo Area  
Office  
(419) 259 - 7542**




**Cleveland Area  
Office  
(216) 447-4194**

**Cincinnati Area  
Office  
(513) 841- 4132**

**Columbus Area  
Office  
(614) 469 - 5582**

# Employer Responsibilities

- Provide a workplace free from serious recognized hazards (OSH Act general duty clause)
- Comply with applicable OSHA standards
- Provide safety training required by OSHA standards in a way that workers can understand
- Post the OSHA poster, report fatalities and severe injuries, and comply with injury/illness recordkeeping requirements



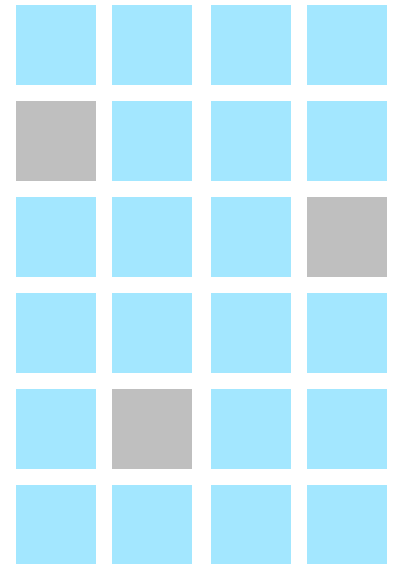
The screenshot shows the OSHA website page for 'Helping Employers'. It features a header with the title 'Helping Employers' and a photograph of four people in a modern office setting, all wearing face masks. Below the header, the page is organized into three columns of content:

- Employer Responsibilities:** This section explains that under the Occupational Safety and Health Act of 1970, employers have a responsibility to provide a safe workplace. It notes that OSHA covers most private sector employers and their workers in all 50 states, the District of Columbia, and other U.S. jurisdictions either directly through Federal OSHA or through an OSHA-approved state program. Those not covered by the OSH Act include self-employed workers, immediate family members of farm employers, and workers whose hazards are regulated by another federal agency. A bulleted list includes: 'See key employer responsibilities', 'Understand your workers' rights', 'Use the Compliance Assistance Quick Start to generate an initial set of compliance assistance materials tailored to your workplace', and 'Learn about OSHA rules/regulations, enforcement and inspections (video)'.
- Compliance Assistance, Education, and Training:** This section states that OSHA is committed to giving employers and workers the knowledge and tools they need to comply with their obligations and stay safe. It lists services including: 'Compliance Assistance Specialists', 'On-Site Consultation Program, a no-cost and confidential service for small and medium-sized businesses', and 'OSHA Outreach Training Program (10/30 hour cards) and OSHA Training Institute Education Centers'. It also lists resources employers may want to learn about, such as 'The Small Business Safety and Health Handbook and other Small Business Resources', 'The Business Case for Safety and Health and the Safety Pays Program', 'Recommend Practices for Safety and Health Programs and the Safe - Sound Campaign', 'OSHA's Cooperative Programs', and 'OSHA Publications and Videos'.
- Contact OSHA:** This section provides contact information: 'Contact OSHA toll-free at 1-800-321-6742 (OSHA) or by email. You can also find your nearest federal or State Plan office and consultation program here.' Below the text is a map of the United States with different states highlighted in various colors to represent different OSHA regions.

[www.osha.gov/employers](http://www.osha.gov/employers)

# Inspection Types

- Unprogrammed inspections
- Programmed inspections





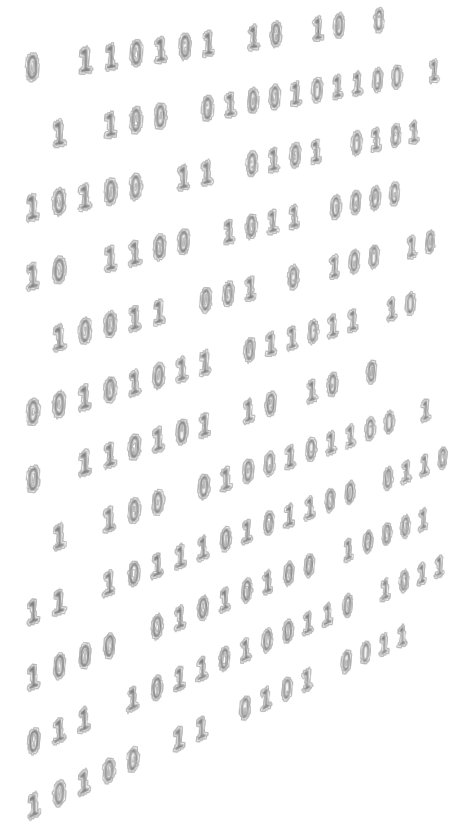
# Unprogrammed Activity

- Imminent Danger
- Fatality/Catastrophe
- Complaints/Referrals



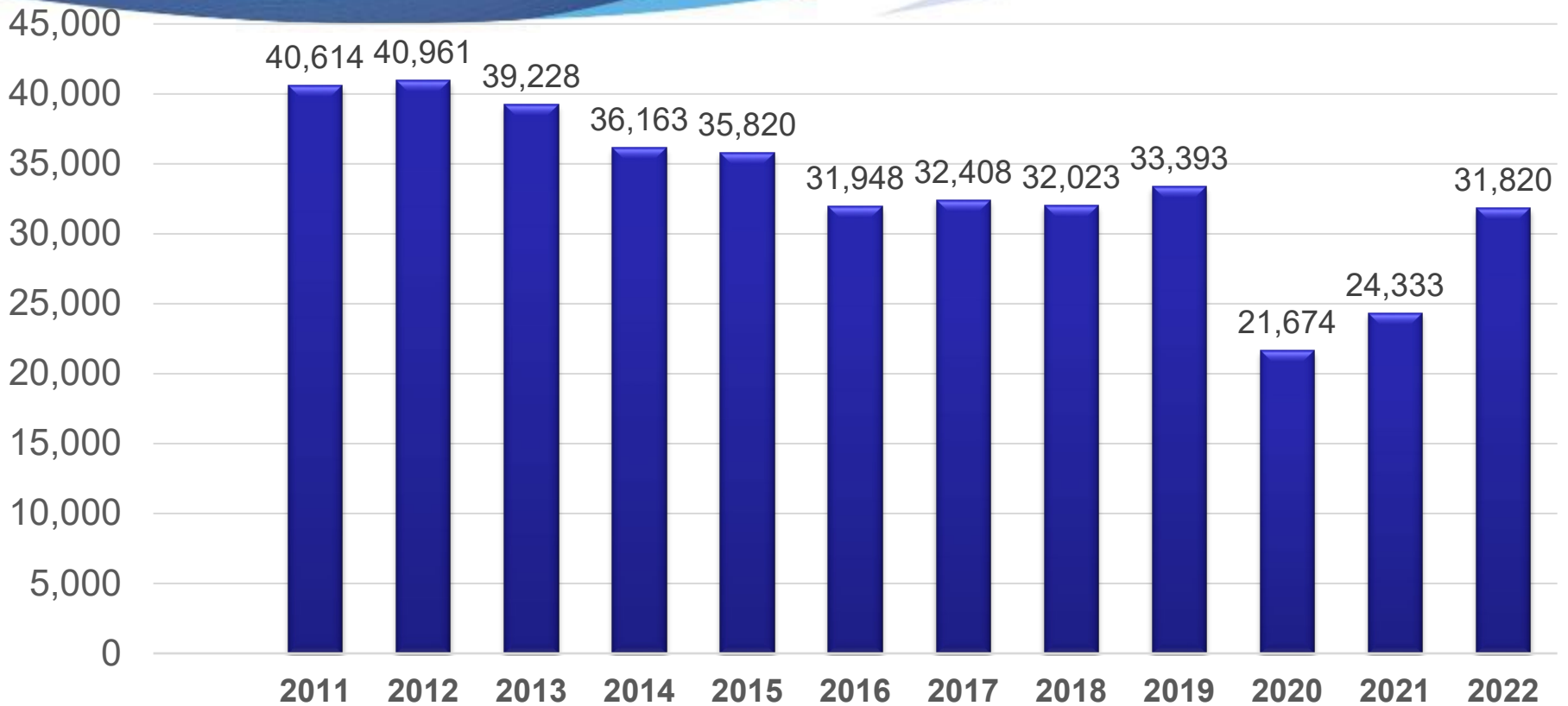
# Programmed Activity

- Special Emphasis Programs
- Site-Specific Targeting



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# Inspections by Federal OSHA





# CONSTRUCTION INDUSTRY

## Top 10 Violations in FY 2023

**Most frequently cited OSHA standards during FY 2023 construction inspections:\***

1. Fall Protection – General Requirements (1926.501) - **\$6,723**
2. Ladders (1926.1053) - **\$3,189**
3. Scaffolding (1926.451) - **\$3,530**
4. Fall Protection – Training (1926.503) - **\$2,179**
5. Eye and Face Protection (1926.102) - **\$3,601**
6. General Safety and Health Provisions (1926.20) - **\$3,804**
7. Head Protection (1926.100) - **\$2,886**
8. Specific Excavation Requirements (1926.651) - **\$6,620**
9. Abatement Verification (1903.19) - **\$377**
10. Aerial Lifts (1926.453) - **\$3,884**
11. Fall Protection – Systems Criteria and Practices (1926.502) - **\$2,938**

# Top Ten Violations in Manufacturing FY 2023

1. Control of Hazardous Energy, Lockout/Tagout (1910.147) - **\$11,017**
2. Machine Guarding (1910.212) - **\$8,425**
3. Respiratory Protection (1910.134) - **\$1,894**
4. Hazard Communication (1910.1200) - **\$2,209**
5. Powered Industrial Trucks (1910.178) - **\$3,304**
6. Wiring methods, components, and equipment for general use (1910.305) - **\$2,773**
7. General Requirements, Electrical (1910.303) - **\$3,408**
8. General Requirements, Personal Protective Equipment (1910.132) - **\$3,292**
9. Mechanical Power Transmission Equipment (1910.219) - **\$5,195**
10. Noise (1910.95) - **\$3,936**

# OSHA Penalty Levels: 2024

Type of Violation	New Maximum
<ul style="list-style-type: none"><li>• Serious and</li><li>• Other-Than-Serious</li><li>• Posting Requirements</li></ul>	<del>\$15,625</del> per violation <b>\$16,131</b>
Willful or Repeated	<del>\$156,259</del> per violation <b>\$161,323</b>
Failure to Abate	<del>\$15,625</del> per day <b>\$16,131</b> beyond the abatement date

# National Emphasis Programs

- Combustible dust
- Coronavirus (COVID-19)
- Fall Prevention/Protection
- Hazardous Machinery
- Heat
- Hexavalent Chromium
- Process Safety
- Management
- Primary Metal Industries
- Lead
- Shipbreaking
- Silica, Crystalline
- Trenching and Excavation
- Warehousing

# Warehousing NEP



- Enhance OSHA's enforcement on:
  - Warehousing and distribution centers
  - Mail/postal processing and distribution centers
  - Couriers and express delivery services
  - Local messengers and local delivery industries
  - High injury rate retail establishments



# Purpose of this NEP



- Improve worker safety by reducing exposure to common hazards in the targeted industries such as:

- powered industrial vehicle operations
- material handling/storage
- walking-working surfaces
- means of egress
- fire protection



- Improve worker health outcomes by reducing exposure to heat and ergonomic hazards. Both will be considered during all NEP inspections, and addressed when hazards are identified.

# Hazards and Solutions

- Warehouse workers face many hazards, but proper design, planning and training can keep them safe. Below is a link that provides information on the various hazards and the solutions to those hazards.

[Warehousing - Hazards and Solutions | Occupational Safety and Health Administration \(osha.gov\)](https://www.osha.gov)

# Local Emphasis Programs

- Building Renovation/Rehabilitation and Demolition
- Fall Hazards in Construction and General Industry
- Federal Agencies
- Grain Handling
- High Rise Building Construction Inspections (Chicago)
- Maritime Industries
- Powered Industrial Vehicles

# Local Emphasis Programs- Cont'd

- Wood Pallet Manufacturing Industry
- IL and OH Food Manufacturing Industry
- WI Food Manufacturing Industry

# Food Manufacturing Cleveland Summary

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**FY 17 Through FY 22**

# Top NAICS Inspected (FY 17 through FY 22)

Site NAICS	NAICS Description	Inspection Count
311999	All Other Miscellaneous Food Manufacturing	15
311513	Cheese Manufacturing	11
311612	Meat Processed from Carcasses	11
311919	Other Snack Food Manufacturing	11
311615	Poultry Processing	7
311942	Spice and Extract Manufacturing	7
311412	Frozen Specialty Food Manufacturing	6
311520	Ice Cream and Frozen Dessert Manufacturing	4
311911	Roasted Nuts and Peanut Butter Manufacturing	4

# Inspection Type (FY 17 through FY 22)

Type of Inspection	Inspection Count
Referral-Employer Reported	41
Complaint	34
Referral	8
Program Planned	5
Fatality/Catastrophe	1
Follow-Up	1
Monitoring	1
Unprogrammed Related	1
<b>Grand Total</b>	<b>92</b>

# 45 Serious Events (FY 17 through FY 22)

- 24 Amputations (53.3%)
- 10 Fractures
- 5 Chemical burns
- 2 Fatalities
- 1 Heat burn
- 1 De-gloving
- 1 Subdural hemorrhage
- 1 Laceration to the neck – resulted in hospitalization



# Top Standards Cited (FY 17 through FY 22)

Standard Cited	Number of Violations
1910.147(c)(4)(i)	12
1910.147(d)	12
1910.212(a)(1)	11
1910.147(c)(6)(i)	5
1910.147(c)(7)(i)(A)	5
1910.147(c)(1)	4
1910.178(l)(1)(i)	4
1910.28(b)(1)(i)	4

# Regional Emphasis Programs

- Exposure to Noise Hazards in the Workplace
- Transportation Tank Cleaning Operations

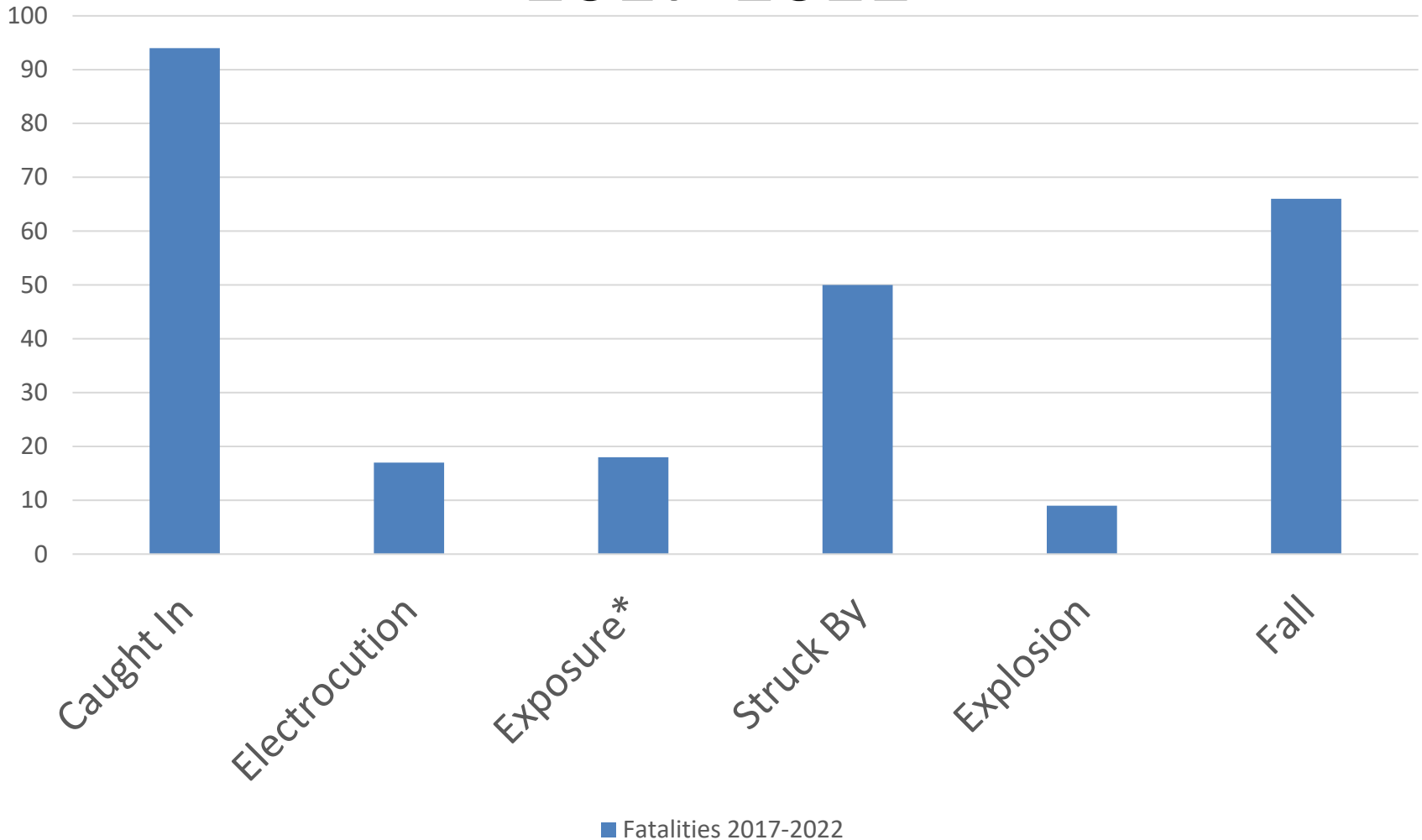
# Targeting High Risk Hazards

Workplace Fatality Data

# Fatality Causes

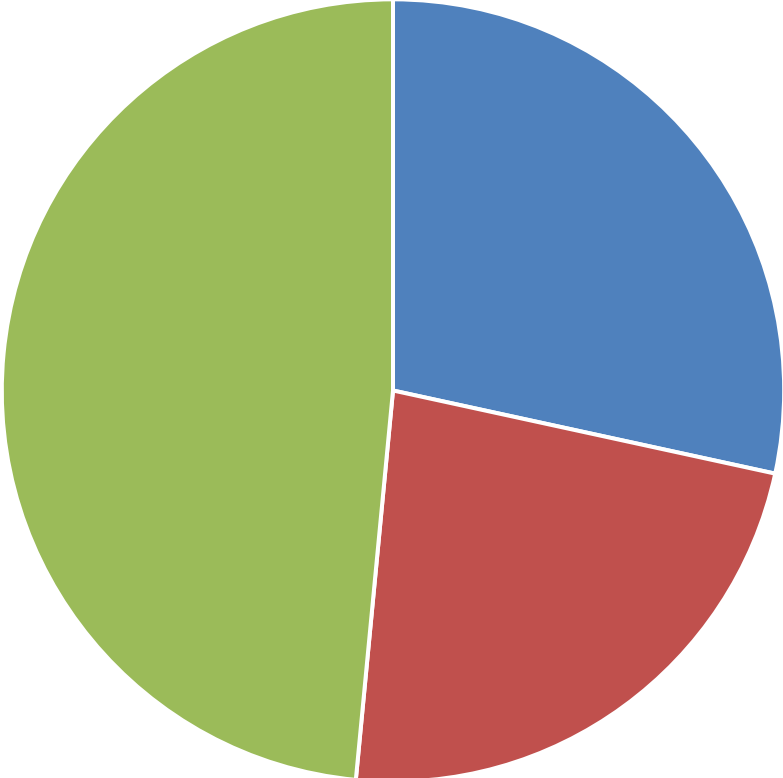
(minus COVID)

2017-2022



# Ohio Fatalities by Industry

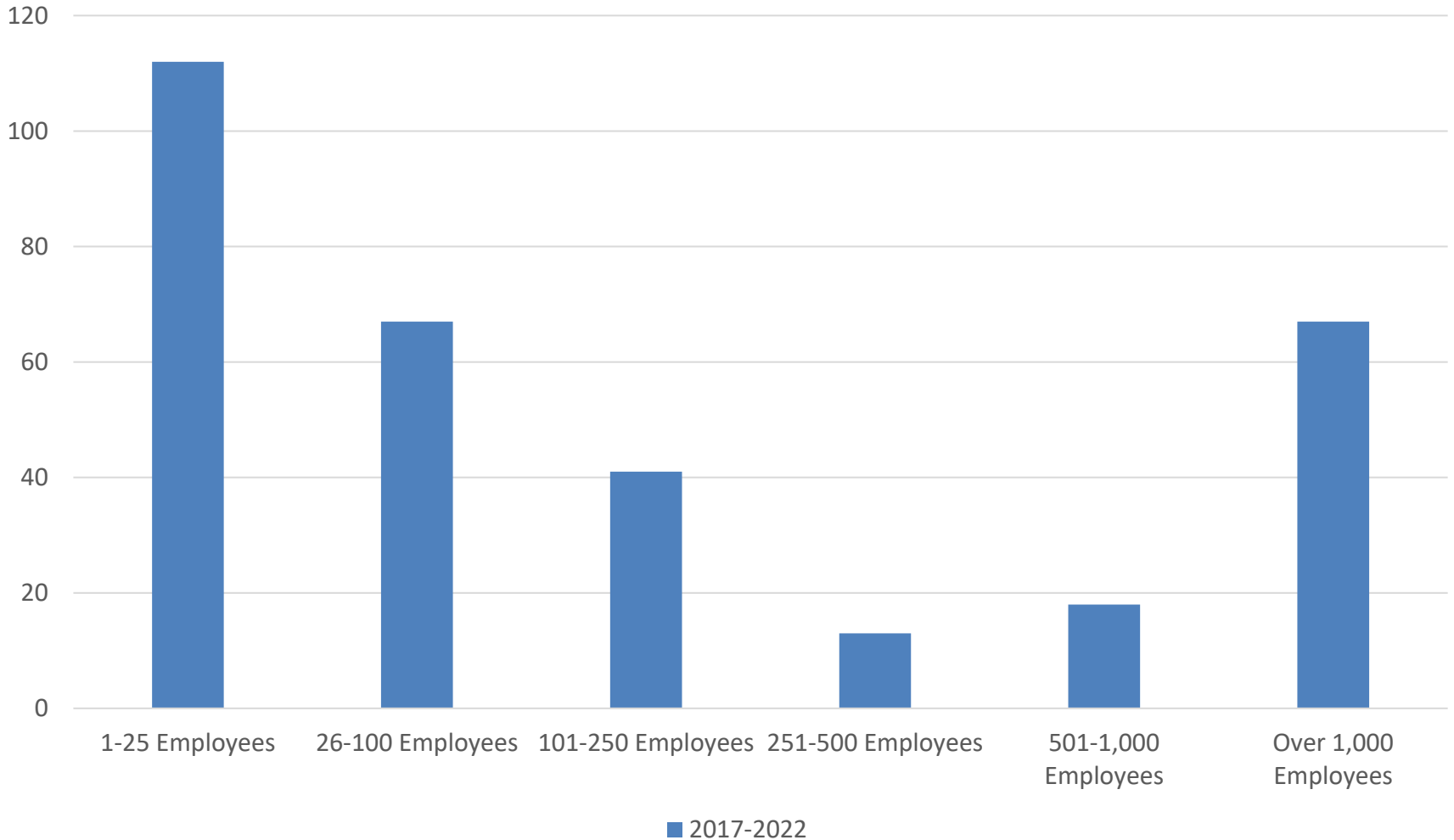
## 2017-2022



■ Construction   ■ Manufacturing   ■ Other

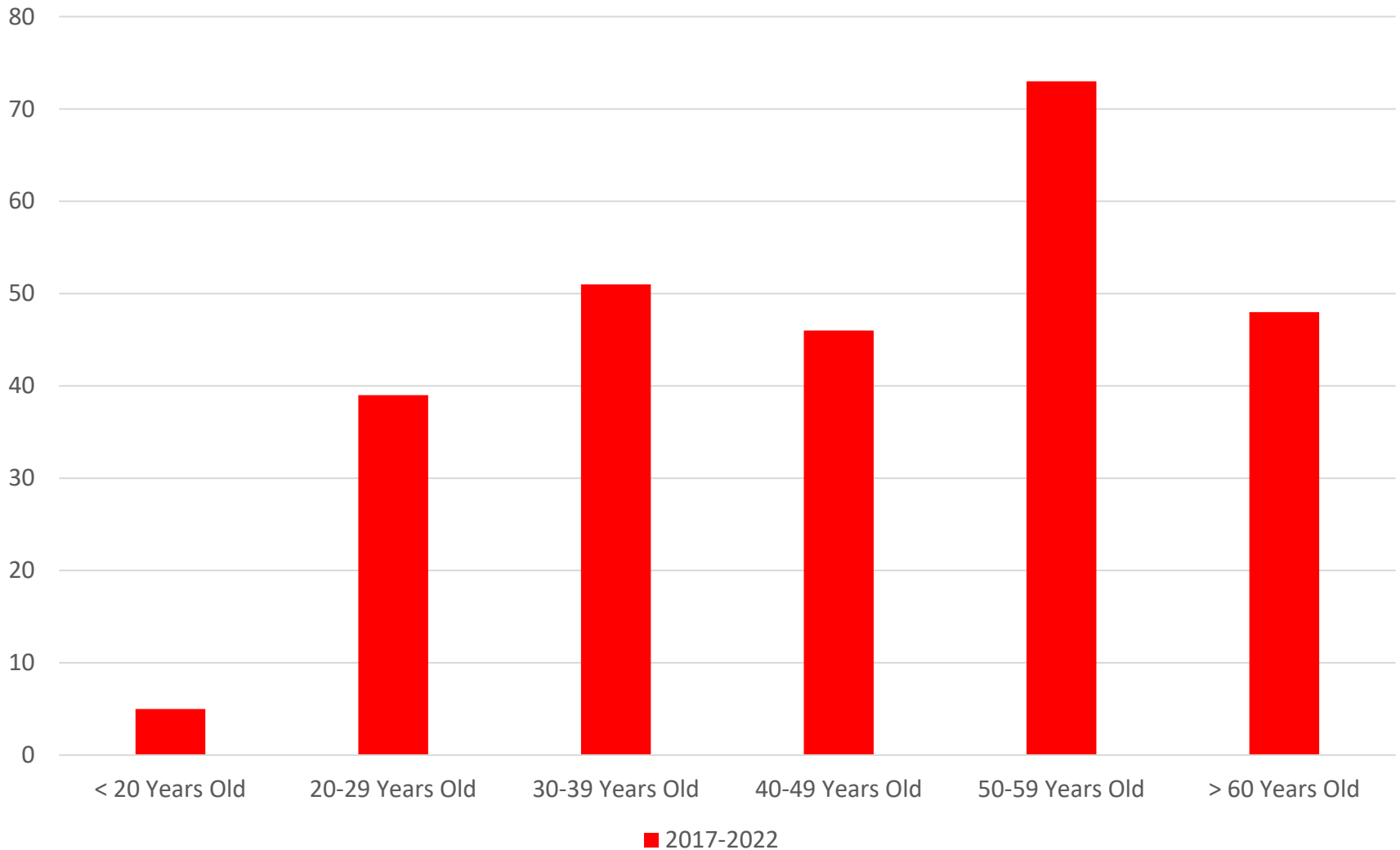
# Region V Fatalities by Establishment Size - Ohio

2017-2022



# Region V Fatalities by Age - Ohio

2017-2022





# OSHA National News Release

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U.S. Department of Labor

May 1, 2023

## **US Department of Labor announces national emphasis program to reduce, prevent workplace falls, a leading cause of workplace fatalities**

*OSHA initiative aligns enforcement, outreach efforts to protect workers*

**WASHINGTON** – The U.S. Department of Labor today announced that its Occupational Safety and Health Administration has begun a National Emphasis Program to prevent falls, the leading cause of fatal workplace injuries and the [violation the agency cites most frequently in construction industry](#) inspections.

The [emphasis program will focus on reducing fall-related injuries and fatalities](#) for people working at heights in all industries. The targeted enforcement program is based on historical Bureau of Labor Statistics data and OSHA enforcement history. BLS data shows that of the 5,190 fatal workplace injuries in 2021, 680 were associated with falls from elevations, about 13 percent of all deaths.



# Region V Fatality Trends - Caught In Equipment

- Lack of Machine Guarding
- No Lockout/Tagout Procedures





# News Release

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U.S. Department of Labor | June XX, 2022

## **US Department of Labor cites Canton steel mill after worker is fatally caught in machine**

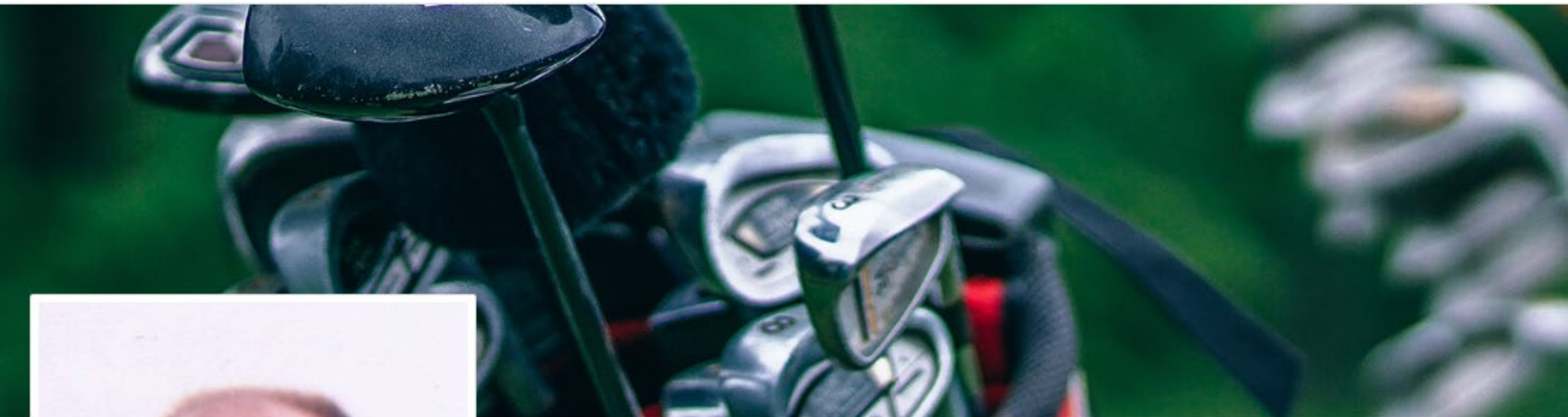
*TimkenSteel's Gambrinus mill cited for exposing workers to machine hazards*

**CANTON, OH** – A workplace safety investigation into a 65-year-old worker's fatal crushing injuries at TimkenSteel in Canton found the company [failed to install guards or provide proper hand tools to prevent workers](#) from entanglement hazards while operating a bar straightener machine.

The U.S. Department of Labor's Occupational Safety and Health Administration determined that the worker was operating the machine on Dec. 27, 2021, at the steel mill's Gambrinus facility, when he was caught on a piece of steel bar stock rotating at a high speed, resulting in fatal injuries. Inspectors also found the company provided employees with hooks to manipulate the spinning steel bar stock that were not long enough and required the operator's hands to be present in the machine's danger zone while guiding the steel bar stock into the straightener.

OSHA learned that Timken Steel previously modified similar machinery by adding a mechanical feed roll unit that eliminated the need for workers to touch the rotating bar stock but canceled a plan to modify the machine involved in the fatal incident.

The agency cited TimkenSteel for two willful and two serious violations and has proposed penalties of \$315,952. OSHA has cited the company for safety failures three times in the past five years, and has now placed in OSHA's [Severe Violator Enforcement Program](#).



*Douglas A Gauze*

October 13, 1956 ~ December 27, 2021 (age 65)

# Hazards of Molten Metal



U.S. Department of Labor | January 25, 2023

## **Deadly mix: Federal workplace safety investigations find severe injuries, fatality caused by steam explosions at 2 Ohio companies**

*Globe Metallurgical Inc., TimkenSteel cited for willful violations*

**WATERFORD, OH** – With proper training, people working in metal casting facilities know that mixing water and molten material can be a serious, if not deadly mistake, as tragic incidents at two Ohio companies in 2022 showed.

On July 10, the combination of water with tons of superheated material spilling onto a foundry floor caused a steam explosion that severely injured a supervisor at Globe Metallurgical in Waterford. Investigators with the U.S. Department of Labor’s [Occupational Safety and Health Administration](#) determined the company failed to use required containment measures and did not provide workers responding to the spill with personal protective equipment. OSHA learned employees were pouring molten material into a large ladle for cast forms when the material burned through the bottom of the ladle and about 8,000 pounds of molten material – heated to nearly 3,000 degrees Fahrenheit – spilled. Employees responded by spraying water on the spill and using a forklift to try to break up the material when an explosion occurred, which caused the supervisor to suffer third-degree burns.

The agency issued a citation to Globe Metallurgical Inc., one of the nation’s largest ferroalloy manufacturers, for one willful violation of the general duty clause for its failure to provide a safe working environment, and three serious safety violations. Inspectors identified the company’s failure to develop containment measures for molten materials, its lack of adequate personal protective equipment and its failure to train workers on its use. [OSHA has proposed penalties of \\$188,533.](#)

In Canton, three furnace attendants working at TimkenSteel’s Faircrest plant suffered severe injuries on July 26, 2022, after an explosion of an electric arc furnace after water became encapsulated in molten metal. All three workers were hospitalized, one of whom died on Aug. 19. OSHA investigators determined the company failed to provide the attendants with protection from potential steam explosions. They were conducting furnace-tapping operations at the time. [OSHA cited TimkenSteel for one willful violation of the agency’s general duty clause and proposed penalties of \\$145,027.](#) The agency has cited the company four times in the past five years for safety and health violations. In June 2022, OSHA cited TimkenSteel after a worker suffered fatal crushing injuries during an incident in December 2021 at its Gambrinus facility in Canton.





*Joseph Ryan Ferrall*

August 13, 1988 ~ August 19, 2022

# An explosion at an Ohio metal plant left 1 dead and 13 injured

February 21, 2023 · 4:23 PM ET

By Emily Olson, Kaitlyn Radde



Debris covers the ground and nearby cars after an explosion at the I. Schumann & Co. metals plant sent several victims to

# Criminal Referrals

- Criminal sanctions are outlined in the OSH Act
- To obtain a conviction, a prosecutor must establish certain conditions beyond a reasonable doubt





# Reporting Fatalities and Severe Injuries

- All employers are required to notify OSHA when an employee is **killed** on the job or suffers a work-related **hospitalization, amputation, or loss of an eye**.
- A fatality must be reported **within 8 hours**.
- An in-patient hospitalization, amputation, or eye loss must be reported **within 24 hours**.



[www.osha.gov/report](http://www.osha.gov/report)

# Department of Labor announces rule expanding submission requirements for injury, illness data provided by employers in high-hazard industries

The [final rule takes effect on Jan. 1, 2024](#), and now includes the following submission requirements:

- Establishments with 100 or more employees in certain high-hazard industries must electronically submit information from their Form 300-Log of Work-Related Injuries and Illnesses, and Form 301-Injury and Illness Incident Report to OSHA once a year. These submissions are in addition to submission of Form 300A-Summary of Work-Related Injuries and Illnesses.
- To improve data quality, establishments are required to include their legal company name when making electronic submissions to OSHA from their injury and illness records.

# Recordkeeping Webpage



UNITED STATES  
DEPARTMENT OF LABOR



Occupational Safety and Health Administration

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[OSHA](#) ▾ [STANDARDS](#) ▾ [TOPICS](#) ▾ [HELP AND RESOURCES](#) ▾

[Directorate of Technical Support and Emergency Management](#) / [Brief Tutorial on Completing the Recordkeeping Forms](#)



[What's New](#) ▾

[Forms](#) ▾

[Requirements](#) ▾

[Related Documents and Information](#) ▾

[Training](#) ▾

## Brief Tutorial on Completing the Recordkeeping Forms



This brief presentation reviews OSHA recordkeeping requirements at a high level, with an emphasis on how to fill out the forms provided in OSHA's Recordkeeping Forms package. The tutorial covers what types of operations come under the recordkeeping rule and thus are required to complete the forms, what types of injury and illness incidents must be recorded, and what information is to be included in each of the three OSHA forms respectively.

The format of the tutorial is a slide presentation with voiceover that plays on the web. The complete presentation runs about 15 minutes.

**508 Accessibility:** This tutorial includes closed captioning. To turn the closed captioning on or off, click the button on the player bar at the bottom of each slide.

[Launch Tutorial](#)

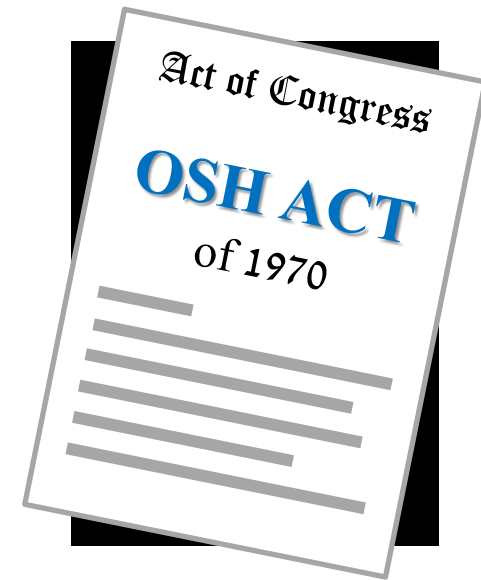
[www.osha.gov/recordkeeping](http://www.osha.gov/recordkeeping)



# Worker Rights

Employees have the right to:

- Report **unsafe conditions and injuries** to management or OSHA
- Assist an **OSHA investigation**
- Request **Training**
- Request **PPE**



# Whistleblower Protections

Employers cannot retaliate against workers who exercise their [rights](#).

## Retaliation includes:

- Reduction in pay or hours
- Being fired, laid off, or suspended
- Reassignment, discipline, or demotion
- Threats, harassment, and intimidation
- Blacklisting from hiring



# WATER. REST. SHADE.

OSHA's Campaign to Keep Workers Safe in the Heat

- Heat illness **sickens** thousands and results in the **deaths** of dozens of workers each year
- Campaign educates employers and workers on danger of working in heat
- Resources include OSHA-NIOSH heat safety app
- New Guidance & Notice of Proposed Rulemaking  
<https://www.govinfo.gov/content/pkg/FR-2021-10-27/pdf/2021-23250.pdf>

# Questions?





[www.osha.gov](http://www.osha.gov)

800-321-OSHA (6742)





**Nelva J. Smith** | Member

**PHONE** (614) 456-1656  
**EMAIL** nelva.smith@steptoe-johnson.com  
**LICENSURE** OH  
**EDUCATION** J.D. Capital University

Known as a fervent advocate for her clients, Nelva Smith is a labor and employment attorney whose wide-ranging experience makes her an extremely effective advisor for her clients. From general day-to-day counseling, to litigation, workers' compensation, and safety and health issues, employers of all sizes rely on Nelva to guide them through the myriad challenges of labor and employment law. Nelva is diligent and aggressive in defending her clients' interests and is experienced assisting clients in the automotive, aviation, construction, and manufacturing industries.

As a member of the firm's Workplace Safety Team, she has defended employers in front of the Industrial Commission on a variety of issues that arise out of Ohio workers' compensation matters, and she also has extensive experience in safety and health issues, with an emphasis on OSHA. She has presented on several occasions nationally on OSHA topics, and she has twice been a contributing editor to the national treatise on Occupational Safety and Health Law.

Nelva has experience defending employers in general employment litigation, charges before the Equal Employment Opportunity Commission, charges before the Ohio Civil Rights Commission, charges before the National Labor Relations Board, and defending OSHA citations, and she has also successfully handled wage and hour audits before a state government agency.

In addition, to her employment experience, Nelva is also on the firm's Higher Education Team and actively represents several universities and colleges in the region against Title IX litigation. Nelva is a member of the Environment, Social, Governance ("ESG") group, a group of attorneys with experience and knowledge about how ESG impacts all aspects of business.

## REPRESENTATIVE EXPERIENCE

Defended OSHA violations for manufacturing clients in the aircraft and automotive industries resulting in reduced penalties and vacated citations

Defended a manufacturer in the rubber mixing industry in Ohio in one of the first sets of citations under the combustible dust OSHA National Emphasis Program (NEP)

Successfully represented rubber tire manufacturer in multiple OSHA citations involving combustible dust

Represented a large automotive component manufacturer in a workplace accident involving an extremity injury caused by hydraulic press, resulting in the OSHA citation being fully vacated

Represented a Missouri-based rubber mixing plant in multiple OSHA citations involving both machine guarding and combustible dust

Successfully negotiated multiple reduced penalties and vacated citations for an Alabama based chemical and large-scale rubber processing plant in matters involving hazard communication and personal protective equipment

Experienced in OSHA investigations and defense of OSHA citations throughout the nation

Advised financial services institution on “back to school” issues related to COVID-19

Advised national call center client on EFMLEA issues related to COVID-19 and employee leave

Represented higher education institution in claims in front of the Ohio Civil Rights Commission in defense of alleged racial and gender discrimination

Assisted healthcare client in matters involving alleged disability discrimination resulting in employee termination

Defended higher education institution against student filed racial discrimination complaint at the United States Department of Education Office for Civil Rights

Successfully defended accusation of willful citations for national restoration/construction company in Ohio for lead exposure

Regularly counsel clients on personnel matters involving hiring and firing, business organization, employee discipline, and civil rights

Defended North Dakota construction company in workplace safety matter involving fatality

Successfully defeated unsubstantiated unemployment claims for national call center

Advised Ohio based steel fabrication company on best practices to avoid OSHA violations

Counseled employers throughout Ohio in revising and updating employee handbooks in compliance with federal and state law

Investigated and prepared Position Statements in defense of unemployment claims

Assist employers throughout the state in revising and updating employee handbooks in compliance with federal and state law

Assisted in defense of an appeal to the Supreme Court of Ohio for a voluntary abandonment issue in the workers’ compensation field and was successful in providing a good result for the employer

Attended workers’ compensation hearings at the Industrial Commission throughout the state of Ohio

## WORK EXPERIENCE

2015 Steptoe & Johnson PLLC

2008-2015 Scott, Scriven & Wahoff LLP

2005-2008 Legal Assistant, Scott, Scriven & Wahoff LLP

## MEMBERSHIPS AND AWARDS

### PROFESSIONAL

Columbus Bar Association

Ohio State Bar Association

American Bar Association

Certified, OSHA 10 Hour General Industry

# Speaking Engagements/Publications

Presenter: S&J: "Tri State Update: Cannabis in the Workplace" – August 4, 2021

Presenter: Ohio Chamber: "OSHA and Employer Vaccination Programs" – June 24, 2021

Presenter: ARPM: "From the Legal Perspective: PPE and Vaccinations in the Workplace" – May 26, 2021

Trainer: Ohio Department of Higher Education: "Title IX Investigator Training" – January 12, 2021

Presenter: PIOGA: "Navigating Employer Legal Responsibilities through the COVID-19 Pandemic" – November 12, 2020

Presenter: ARPM: "Limits on How OSHA can Cite Employers for General Duty Clause Violations Using Industry Consensus Standards in a COVID-19 World" November 2020

Presenter: Ohio Chamber: "Back to School – Rights and Responsibilities of Employers and Employees, with Additional COVID-19 Updates" – September 16, 2020

Panelist: The Risk Institute: "Multi-Generational Mashup" September 2019

Presenter: ARPM: "The Relationship of OSHA Proposed Penalty Cases and the Lockout/Tagout and Machine Guarding Standards" July 2019

Presenter: AICUO: "#MeToo Movement Updates and Handling No Contact Orders" June 2019

Presenter: "OSHA Inspection Issues," March 2019

"OSHA, Outside Consultants, and Business Development: A Podcast with Bentley Talk," Legal Marketing Launch, November 2018

Presenter: "Performance, Unemployment and Wage & Hour Issues in Ohio: What Happened to Employment at Will?," November 2018

Presenter: "Overview of OSHA Inspections," November 2018

Presenter: "Ten Management Mistakes to Avoid – OSHA and Workers' Compensation Update," August and September 2018

Presenter: "Update on Labor Law Issues Under the Trump Administration," July 2018

Presenter: "Workplace Highs and Lows: OSHA, the ADA, and Medical Marijuana," July 2018

Presenter: "OSHA Compliance in the Healthcare Industry – Regulations Companies Must Comply With But Are Always Forgotten," June 2018

Presenter: "OSHA's Process Safety Management (PSM) Standard," April 2018

Presenter, "HIPAA Best Practices for HR: Ensuring Confidentiality of Medical Information," February 2018

Presenter, "Drugs and Alcohol in the Workplace: Marijuana and Other Considerations," February 2018

Presenter, "Medical Records Law in Workers' Compensation Claims: Know What You Can Release," January 2018

Presenter, "Preparing For and Dealing With Campus Protests," AICUO, October 2017

Presenter, "Machine Guarding and Lockout/Tagout-Related OSHA Penalties So Far in The Trump Administration," Ohio Chamber, September 2017

Presenter, "Are You In A Confined Space, OSHA Requirements for Confined Space in General Industry and Construction," Ohio Chamber, July 2017

Presenter, "The New Landscape of the Department of Labor and OSHA in the Trump Administration," Ohio Hospital Association, June 2017

Presenter, "Top Ten Management Mistakes to Avoid," Pataskala Chamber of Commerce, June 2017

Presenter, "Recordability, Reportability, and Compensability," Ohio Chamber, May 2017

Presenter, "OSHA Primer," ABA Occupational Safety and Health Committee Midwinter Meeting, March 2017

Presenter, "Medical Records Law in Workers' Compensation Claims: Know What You Can Release," January 2017

Presenter, "Finer Points of OSHA Recordkeeping and Recordability," Ohio Chamber, October 2016

Presenter, "Department of Labor New Overtime Rules with OSHA Bonus," St. Clairsville Chamber of Commerce, September 2016

Presenter, "Safety Incentive Programs Under 11(c) of the Federal OSH Act," Ohio Chamber, September 2016

Presenter, "Hot Wage and Hour Issues," OSBA, September 2016

Presenter, "The Ever-Changing Landscape of FLSA Wage & Hour Issues," Sterling Education, September 2016

Presenter, "Association of Independent Colleges and Universities of Ohio - NLRB," AICUO, June 2016

Presenter, "OSHA's Multi-Employer and U.S. Department of Labor Joint Employee Doctrines," Ohio Hospital Association, June 2016

Presenter, "Train Your Supervisors and Managers About Your Ohio Workers' Compensation Program," Ohio Chamber, May 2016

Presenter, "OSHA Primer," ABA Labor & Employment Law Section Midwinter Meeting, March 2016

"Are You In Compliance? Be Prepared! FLSA Rule Changes and OSHA Penalty Increases Will Happen in 2016," Ohio Chamber, December 2015

Presenter, "The Million Dollar Question: Are They Independent Contractors or Employees? What the Fair Labor Standards Act Could Cost Your Company," Ohio Chamber, November, 2015

Presenter, "Fair Labor Standards Act/Wage and Hour Critical Issues," Sterling

Education, September 2015

Moderator, "Combustible Dust: When is a hazard really a hazard? What is the real potential for explosion/deflagration?," ABA Labor & Employment Law Section Midwinter Meeting, March 2014

Presenter, "Wage Issues for Workers' Compensation," 2011

Chapter Editor, Occupational Safety and Health Law Treatise, Third and Fourth Edition

## **Biographical Information**

**Howard Eberts, Area Director, U.S. Dept. of Labor OSHA  
6393 Oak Tree Blvd., Suite 203, Independence, OH 44131  
216-447-4194 Eberts.Howard@dol.gov**

Mr. Eberts started with the Occupational Safety and Health Administration (OSHA) as a compliance officer in the Columbus area office in 1988. He has worked in various positions including Compliance Assistance Specialist and Assistant Regional Administrator in the Chicago Regional Office. He moved to the Cleveland Area Office as the area director in January 2011. He has a Bachelor of Science degree in biology from the University of Notre Dame.

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**Kenneth Montgomery, Area Director, U.S. Dept. of Labor OSHA  
36 Triangle Park Drive, Cincinnati, OH 45246  
513-841-4132 montgomery.ken@dol.gov**

Ken Montgomery has been employed with Federal OSHA for 16 years, 12 years as a Compliance Officer, 3 years as an Assistant Area Director and Area Director since April of 2015. Ken has conducted over 900 site inspections, 60 fatality investigations, and numerous accident investigations. His inspections are primarily construction. He is listed as a regional expert for Trenching, Cranes, and Road Construction as well as an original member of the Wind Energy Task Team. Ken is classified to testify as an expert witness for Road Construction, and Cranes in Federal Court. Prior to OSHA Ken worked in the construction field for 15 years. He has been on the Federal Emergency Response Team since 2001, where we responded to the World Trade Center disaster. He also responded to Hurricane Katrina in 2005, and most recently Hurricane Sandy.