

Lawrence P. Halprin

Partner

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Lawrence Halprin is nationally recognized for his work in the areas of occupational safety and health and chemical regulation, representing companies and trade associations at the federal and state levels. His engineering and financial background have been invaluable to his clients in handling enforcement actions, in providing compliance counseling, and in evaluating and critiquing rulemaking proposals and policy initiatives before the Occupational Safety and Health Administration (OSHA), the Environmental Protection Agency (EPA), the National Institute for Occupational Safety and Health (NIOSH), and the Alcohol and Tobacco Tax and Trade Bureau. On behalf of his clients, Lawrence has participated in almost every major OSHA rulemaking initiative over the past 25 years and numerous Cal-OSHA rulemakings.

Lawrence has a hands-on familiarity with the manufacturing environment and represents clients in a broad range of industries, including aerospace, chemicals, construction, electronics, food, machinery, paper and forest products, petroleum, pharmaceuticals, plastics, steel, telecommunications, and transportation.

His occupational safety and health practice covers:

- Federal and state OSHA investigations and enforcement proceedings

- Compliance counseling

- Incident investigations and audits

- Federal and state agency rulemakings and stakeholders processes

- Pre-enforcement challenges to final agency rules

- Participation in the development of national consensus standards under the ANSI process and Chemical TLVs under the ACGIH process

His chemical regulation practice includes:

- Risk assessment - assisting clients in developing occupational exposure limits (OESs) and advising clients on the risk evaluation and risk management of chemicals under the Toxic Substances Control Act (TSCA)

- Product stewardship

- The Globally Harmonized System of Chemical Classification and Labeling (GHS) as implemented in the US, Canada, and the EU

- OSHA's Process Safety Management and EPA's Risk Management Program Rule

Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and Emergency Planning and Community Right-to-Know Act (EPCRA) chemical release and right-to-know reporting requirements

Ethanol regulations enforced by the U.S. Tax and Trade Bureau

Investigations conducted by the Chemical Safety Board

Lawrence has served on several American National Standards Institute (ANSI) and American Society for Testing and Materials (ASTM) technical committees that address chemical safety, machinery safety, occupational health and safety, nanotechnology, and sustainability. He regularly follows and participates in the development of combustible dust standards by the National Fire Protection Association (NFPA).

Lawrence has been a strong advocate of measures to enhance the effectiveness of regulatory agencies and ensure they do not overreach their authority. This is demonstrated by his testimony before Congress, his participation in agency rulemakings and policy initiatives, as well as litigation he has brought on behalf of clients. Lawrence is a frequent writer and speaker on a broad range of environmental, product stewardship, and health and safety management issues.

Before joining Keller and Heckman, Lawrence clerked for the Honorable Charles R. Johnston of the U.S. Tax Court.

Representative Matters:

Extensive experience with federal and state OSHA investigations and enforcement actions involving: chemical emergency response, chemical process safety management, chemical hazard communication, chemical releases, combustible dust, confined spaces, electrical safety, fall protection, the General Duty Clause, (Cal-OSHA) injury and illness prevention programs, injury and illness recordkeeping, lockout/tagout, machine guarding, noise, paper mill standard, permissible exposure limits, powered industrial trucks, respiratory protection, and alleged employer retaliation claims.

Represented numerous clients in citation contests issued by OSHA and its state counterparts.

Represented two pharmaceutical manufacturers in successfully petitioning NIOSH to remove active drug ingredients from the NIOSH List of Antineoplastic and Other Hazardous Drugs in Health Care Settings.

Represented the American Forest & Paper Association and the American Wood Council in their successful effort to have OSHA clarify when a combustible dust accumulation is considered excessive. See the April 21, 2015 OSHA guidance memorandum titled "Evaluating Hazardous Levels of Accumulation Depth for Combustible Dusts" at https://www.osha.gov/dep/enforcement/Combustible_Dusts_04212015.html

Lead counsel for the American Petroleum Institute in its legal challenge to OSHA's March 2012 GHS Amendment to the OSHA Hazard Communication Standard (HCS), resulting in a successful settlement that clarified the application of the amended HCS to combustible dust, petroleum streams, and hazards not otherwise classified.

Co-counsel and primary author of the comments for the lead industry coalition (led by the National Association of Manufacturers) challenging OSHA's proposed October 19, 2010 re-interpretation of the OSHA Noise Standard.

Co-counsel and primary author of the comments for the leading industry coalition (led by the US Chamber of Commerce) challenging OSHA's proposed January 29, 2010 addition of a musculoskeletal disorders (MSD) column to the OSHA Injury and Illness Recordkeeping Rule.

Primary author of the comments submitted on behalf of the Grocery Manufacturers Association in the Cal-OSHA Diacetyl Rulemaking to preserve the exemption for flavors containing less than 1% diacetyl.

Lead counsel for the successful intervention on behalf of the Aerospace Industries Association to preserve the Separate Engineering Control Airborne Limits (SECAL), permissible exposure limit (PEL) and action level (AL) of OSHA's Hexavalent Chromium Standard against the challenge brought by Public Citizen. (*Public Citizen Health Research Group v. Dept. of Labor*, 557 F.3d 165 (3d Cir. 2009).

Counsel to the Construction Industry Silica Task Force that: met with OSHA and NIOSH personnel to discuss development of a task-based control banding approach to control exposure to crystalline silica in the construction industry; collected exposure monitoring data; and developed a control banding approach that was submitted to OSHA and NIOSH, which was later incorporated into ASTM E2625 and eventually into Table 1 of the OSHA Respirable Crystalline Silica Standard adopted on March 25, 2016.

Author of the comments submitted to the Chemical Safety Board (CSB) that apparently persuaded the CSB to conclude that it did not have the legal authority under the Clean Air Act to adopt the proposed "Accident Investigation Initiation Notice and Order to Preserve Evidence [Rule]," which was published in the Federal Register on January 4, 2006 (71 FR 309) and subsequently abandoned.

As lead counsel for the American Forest & Paper Association, negotiated the withdrawal of OSHA citations issued to multiple paper companies and an unprecedented OSHA compliance instruction (effectively a generic variance) covering the design, operation and maintenance of chemical batch digesters – a type of pressure vessel in wide use within the paper industry to convert wood chips into pulp. See OSHA Directive CPL 02-01-041, Alternative Abatement Method for 29 CFR 1910.261(g)(17) – Over-pressure Protection for Batch Digesters Used in the Pulp Processing Industry.

Professional Affiliations

American National Standards Institute

Product Stewardship Society]

American Industrial Hygiene Association

Awards/Recognition

Pulp & Paper Safety Association, Distinguished Service Award, 2016

Education

University of Pennsylvania, B.S. Ch.E, 1974, *with honors*

Duquesne University School of Law, J.D., 1977, *Duquesne Law Review*

George Washington University, M.B.A., 1984, *Finance and Investments, Beta Gamma Sigma*

Bar Admissions

District of Columbia

Pennsylvania

U.S. Court of Appeals for the Third Circuit

U.S. Court of Appeals for the D.C. Circuit

U.S. District Court for the District of Columbia

U.S. Court of Appeals for the Fifth Circuit

U.S. Court of Federal Claims

U.S. Tax Court

U.S. Court of Appeals for the Eleventh Circuit