



Brent I. Clark

Partner

Chicago

Direct: (312) 460-5876

Fax: (312) 460-7876

bclark@seyfarth.com | [vCard](#)

Biography

Practices & Sectors

Environmental Compliance, Enforcement & Permitting

Workplace Safety and Environmental

Catastrophe Response Team

Labor & Employment

Employment Litigation

Workplace Safety and Health (OSHA/MSHA)

Workplace Safety and Health (OSHA/MSHA)

Government Relations and Policy

Specialty Teams

Whistleblower Team

Safety, Aviation/Transportation & Environmental Whistleblower Team

Workplace Whistleblower

Pharmaceuticals and Life Sciences

Mr. Clark is a partner in the Firm's Labor and Employment Department and Chair of the Workplace, Safety and Environmental practice group. He focuses his practice on litigation defense matters involving individual and multi-party actions, trial and appellate practice, and handles environmental, OSHA, MSHA, tort and toxic tort, and employment litigation matters, including retaliation and whistleblower claims.

As an OSHA and MSHA litigator, he has defended against willful, serious, repeat, unwarrantable failure, Section 110(c) and egregious citations, including hearings and appeals to the OSHA Review Commission, the Mine Safety Health Review Commission and the United States Circuit Court of Appeals. He has tried numerous cases before Federal and State OSHA courts. He has provided analysis, investigation, and advice regarding potential criminal and whistleblower allegations and claims including discrimination, termination, retaliation, and whistleblower claims under OSHA, MSHA, DOT and the Surface Transportation Assistance Act (STAA). Mr. Clark has experience in investigating, reporting, and defending against claims arising from workplace fatalities, explosions, fires and catastrophes. He also provides general compliance counseling and advice concerning OSHA and MSHA inspections and investigations, internal audits and compliance issues. Mr. Clark advises clients and trade associations regarding comments on new and proposed OSHA standards and has testified before OSHA regarding standards such as OSHA's ergonomics standard.

His experience in the area of environmental law includes litigating a variety of claims under federal and state environmental statutes and regulations before federal and state courts and agencies. He has defended and prosecuted claims under CERCLA (Superfund), RCRA, TSCA, the Clean Water Act, the Clean Air Act, EPCRA, Underground Storage Tanks (UST's), DOT, FAA and related state statutes and regulations. Mr. Clark also provides general environmental compliance counseling and assists clients with internal audits, compliance programs, agency inspections, and transactions involving environmental issues. He represents clients regarding chemical and environmental product regulations including mercury, lead, Proposition 65 and VOC's. He handles the investigation, litigation and trial defense against environmental, whistleblower, discrimination and retaliation claims.

Mr. Clark's experience in tort and toxic tort litigation includes actions covering negligence, chemical exposures, chemical releases, groundwater contamination, underground storage tanks, property damage, premises liability, product liability, *respondeat superior*, and intentional torts including cases involving benzene, asbestos, silica, lead, PCB's, mold, solvents and hazardous wastes and hazardous substances.

Mr. Clark lectures frequently to trade and industry groups on OSHA and MSHA compliance and defense, environmental compliance and litigation matters, and various issues relating to hazardous and toxic chemicals.

Education

- J.D., University of Virginia School of Law (1986)
- B.A., Kenyon College (1983)
summa cum laude

Admissions

- Illinois

Courts

- U.S. District Court for the Northern District of Illinois (Member, Trial Bar)
- U.S. Court of Appeals, Seventh Circuit

Affiliations

- American Bar Association, Labor & Employment: Occupational Safety and Health, (Natural Resources, Energy, and Environmental Law and Litigation Sections)
- Illinois State Bar Association (Civil Practice and Procedure Section)
- Michigan Bar Association
- Chicago Bar Association (Environmental Law Section)

Representative Engagements

Select Representative Cases

- *Secretary of Labor vs. Pharmasol Corp.*, (Federal Occupational Safety and Health Review Commission) No. 16-1172
- *Caterpillar Logistics Services, Inc. v. Hilda Solis* (US. Court of Appeals for the Seventh Circuit) No. 2011-2958
- *Secretary of Labor vs. Caterpillar Logistics, Inc.* (Federal Occupational Safety and Health Review Commission) No. 09-0901
- *Secretary of Labor vs. ISP Minerals* (Federal Mine Safety and Health Review Commission) No. LAKE 2010-766-D
- *Ann Muniz, et al. vs. Rexnord Corp., et al.; Lovejoy et al. vs. Corning Incorporated* (Federal Court; Northern District of Illinois); No. 04 C 2405
- *Secretary of Labor vs. United Airlines, Inc.* (Federal Occupational Safety and Health Review Commission) No. 08-0748 and 08-0854
- *Commonwealth of Kentucky vs. Quebecor World Book Services, LLC* (Kentucky Occupational Safety and Health Review Commission No. 4677-09
- *Howard vs. GAF Materials Corporation* (Department of Labor Office of Administrative Law

Judge No. 2009-CAA-1

- *Washington Commons LLC vs. Illinois Bell Telephone Company* (Federal Court; Northern District of Illinois No. 1:04-CV-04371)
- *Secretary of Labor vs. Quest Diagnostics, Incorporated* (Federal Occupational Safety and Health Review Commission, D.C. Circuit Court of Appeals) No. 08-1061
- *Secretary of Labor vs. Caterpillar Logistics, Inc.* (Indiana Review Board) No. 09-006
- *Secretary of Labor vs. Wilson Sporting Goods Company* (Federal Occupational Safety and Health Commission) No. 10-1822
- *Tennessee OSHA vs. Kilgore Flares, Inc.* (Tennessee Occupational Safety and Health Review Board) No. 01-46
- *Secretary of Labor vs. Lehigh Press Inc.* (Federal Occupational Safety and Health Review Commission) No. 08-1193
- *Secretary of Labor vs. Nestle Purina Pet Care* (Federal Mine Safety and Health Review Commission)
- No. CENT 2008-152-M
- *Kentucky Labor Cabinet vs. Nestle Prepared Foods Company dba Chef America East, Inc.* (KOSHRC) No. 4551-07

Publications

- Co-Author, "[OSHA Clarifies Position on Lawful Post-Incident Drug Testing and Reverses Course on Safety Incentive Programs](#)," Employment Law Lookout Blog, Seyfarth Shaw LLP (October 16, 2018)
- Co-Author, "Facing Addiction in the Workplace: The Surgeon General's Spotlight," *One Minute Memo*, Seyfarth Shaw LLP (September 25, 2018)
- Co-Author, "[MSHA Issues RFI for Safety Improvement Technologies and Belt Conveyors](#)," Workplace Safety and Environmental Law Alert Blog, Seyfarth Shaw LLP (June 28, 2018)
- Co-Author, "[Construction Industry and Other Outdoor Working Employees are Susceptible to Vector-Borne Pathogens from Ticks and Mosquitoes](#)," Workplace Safety and Environmental Law Alert Blog, Seyfarth Shaw LLP (May 21, 2018)
- Co-Author, "[Robotics, Automation, and Employee Safety for the Future Employer](#)," Workplace Safety and Environmental Law Alert Blog, Seyfarth Shaw LLP (May 11, 2018)
- Co-Author, "[Fight Club Rules: Using Restraining Orders to Prevent Workplace Violence](#)," Workplace Safety and Environmental Law Alert Blog, Seyfarth Shaw LLP (April 20, 2018)
- Co-Author, "[Click for Backup: New Ordinance Requires Chicago Hotels to Provide Staff with 'Panic Buttons'](#)," Employment Law Lookout Blog, Seyfarth Shaw LLP (October 26, 2017)
- Co-Author, "[DOT Backs Away From Rulemaking on "Safety Sensitive Positions" in Highway and Rail Transportation](#)," Employment Law Lookout Blog, Seyfarth Shaw LLP (August 11, 2017)
- Co-Author, "[OSHA Updates its Enforcement Procedures Directive for Exposure to Workplace Violence](#)," Employment Law Lookout Blog, Seyfarth Shaw LLP (April 20, 2017)
- Co-Author, "What to Expect From OSHA in a President-Elect Trump Administration," *One*

Minute Memo, Seyfarth Shaw LLP (November 18, 2016)

- Co-Author, "Despite Lawsuit, OSHA Publishes Interpretation for New Workplace Injury and Illness Reporting Rule," *Management Alert*, Seyfarth Shaw LLP (November 4, 2016)
- Co-Author, "OSHA Head Says OSHA Will Lower Whistleblower's Burden of Proof in Investigations," *Workplace Whistleblower*, Seyfarth Shaw LLP (September 15, 2014)
- "MSHA Pattern of Violations Rule Makes it Easier to Shut Down Mines," *Environmental, Safety & Toxic Torts Blog*, Seyfarth Shaw LLP (January 1, 2013)
- "Holiday Shopping and Crowd Management Safety Guidelines for Retailers," *Environmental, Safety & Toxic Torts Blog*, Seyfarth Shaw LLP (November 13, 2012)
- "Federal Appellate Court Finds that Different Facilities Were Not a Single Employer," *Environmental, Safety & Toxic Torts Blog*, Seyfarth Shaw LLP (August 8, 2012)
- "Occupational Hazard Alert for Fracking Operations," *Environmental, Safety & Toxic Torts Blog*, Seyfarth Shaw LLP (July 2, 2012)
- "OSHA Cites Healthcare Facility for "Inadequate Workplace Violence Safeguards"," *Environmental, Safety & Toxic Torts Blog*, Seyfarth Shaw LLP (May 3, 2012)
- "DC Circuit Overturns OSHA's Interpretation of Statute of Limitations and Vacates Recordkeeping Citations," *Environmental, Safety & Toxic Torts Blog*, Seyfarth Shaw LLP (April 10, 2012)
- "Court Of Appeals Overturns Numerous Willful OSHA Citations And Clearly Reminds OSHA And The OSHA Review Commission That Willful Citations Are Hard To Prove," *Environmental, Safety & Toxic Torts Blog*, Seyfarth Shaw LLP (March 16, 2012)
- "Foreshadowing a New Trend OSHA Files Another Action Seeking Enterprisewide Relief from an Employer," *Environmental, Safety & Toxic Torts Blog*, Seyfarth Shaw LLP (January 30, 2012)
- "OSHRC Reviews Employment Relationships," *Environmental, Safety & Toxic Torts Blog*, Seyfarth Shaw LLP (January 13, 2012)