



## Robert Ayers

Of Counsel

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**Robert Ayers represents clients in a wide range of environmental and workplace safety matters, including emergency response, internal investigations, compliance counseling, regulatory enforcement, and civil litigation.**

### PRACTICES

Workplace Safety and Emergency Response  
 Environmental Compliance and Enforcement  
 Environmental and Natural Resources

### INDUSTRIES

Oil and Gas  
 Mining  
 Electric Power

### EDUCATION

University of Houston Law Center, J.D., 2010  
*magna cum laude*  
*Houston Law Review*, Executive Board  
 Order of the Coif

Baylor University, B.B.A., 2007  
*cum laude*

### BAR ADMISSIONS

Wyoming  
 Texas

### COURT ADMISSIONS

U.S. District Court for the Eastern District of Texas  
 U.S. District Court for the Southern District of Texas

### Workplace Safety and Emergency Response

Robert routinely advises clients following major industrial incidents, including process safety events, oil and gas wellsite accidents, and workplace fatalities. He represents clients in connection with investigations by various government agencies, including the Occupational Safety and Health Administration (OSHA), the Chemical Safety Board (CSB), the Environmental Protection Agency (EPA), the Mining Safety and Health Administration (MSHA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and various state and local agencies. Robert also counsels clients on regulatory compliance, workplace safety culture, and process safety management.

### Administrative and Civil Litigation

Robert defends clients in regulatory enforcement actions, including matters before the Occupational Safety and Health Review Commission, the Utah Labor Commission, the Interior Board of Land Appeals, and the California Occupational Safety and Health Appeals Board. He also represents clients in civil litigation following industrial incidents. Robert has litigated disputes relating to oil and gas development, personal injury, groundwater contamination, and breach of contract in state and federal courts across the United States.

### CLIENT RESULTS

**Prior to joining Holland & Hart, Robert's work included these matters:**

#### Emergency Response & Agency Enforcement

- Represented chemical manufacturer in response to a catastrophic fire at its facility and related inspections by the Chemical Safety Board (CSB) and Occupational Safety and Health Administration (OSHA)
- Represented energy company in response to a fatal incident at a remote onshore drilling rig and the related OSHA inspection; conduct internal investigation into the incident and the client's workplace safety practices
- Represented chemical manufacturer in connection with an

investigation by the CSB and enforcement actions by OSHA and the Environmental Protection Agency (EPA) following a fatal chemical release at the client's facility

- Represented energy company in defense of over twenty citations issued by the California Division of Occupational Safety and Health (Cal/OSHA) following a major explosion at its refinery and subsequent hydrogen fluoride (HF) leak
- Represented oilfield services company in response to a fatal incident on a workover rig and the related OSHA inspection and enforcement action
- Represented oilfield services company in conducting an internal investigation into the company's hot work practices across the United States following a fatal welding incident and subsequent near miss
- Represented energy company before the Interior Board of Land Appeals (IBLA) where the Bureau of Safety and Environmental Enforcement (BSEE) issued an Incident of Noncompliance (INC) to my client for allegedly failing to comply with federal regulations
- Represented automotive manufacturer in connection with government inspections following multiple workplace fatalities and conducted a company-wide internal investigation into its workplace safety practices
- Represented refining company in connection with citations issued by OSHA alleging lockout/tagout (LOTO) violations during a turnaround at the company's refinery

#### **Civil Litigation & Arbitration**

- Represented oilfield services company in the U.S. District Court for the Southern District of West Virginia where plaintiffs claimed oil and gas operations, including hydraulic fracturing, contaminated their groundwater and exposed them to toxic substances
- Represented refining and petrochemical company in the Superior Court of Vermont, Washington Unit, where the State of Vermont claimed MTBE from my client's products contaminated the State's waters
- Represented oilfield services company in the Circuit Court of Bibb County, Alabama where plaintiffs claimed they suffered personal injuries resulting from alleged exposure to toxic chemicals while working at an oil and gas well site
- Represented oilfield services company in the District Court of Wharton County, Texas where plaintiffs claimed a "blowout" of a nearby oil and gas well caused hydrocarbons and various chemicals to be released onto their respective properties
- Represented mining company in the District Court of Harris County, Texas where my client sought a declaration of rights pursuant to an equity financing arrangement agreement
- Represented oilfield services company in the District Court of Harris County, Texas where my client claimed a former employee

breached his employment agreement by disclosing confidential information to his new employer

- Represented oilfield services company in arbitration where claimant alleged my client underpaid intellectual property royalties by more than \$50 million in breach of a cross-license agreement

## **PUBLICATIONS**

"OSHA Revises Guidance for Recording COVID-19 Cases and Outlines New Enforcement Response and Inspection Priorities," *Holland & Hart News Update*, 05/20/2020

"Waiving Privilege Following an Internal Investigation: A Case Study," *American Bar Association's Section of Environment, Energy, and Resources, The Year in Review 2019*, Co-Author, May 2020

"OSHA Guidance Relaxes Recordkeeping of COVID-19 Illness for Some Employers," *Holland & Hart News Update*, Co-Author, 04/14/2020

"CDC Issues Interim Guidance for Critical Infrastructure Workers," *Holland & Hart News Update*, Co-Author, 04/10/2020

"Recent OSHA Guidelines for COVID-19," *Holland & Hart News Update*, Co-Author, 03/19/2020

"Chemical Safety Board to Require Reporting of Significant Accidental Releases," *Holland & Hart News Update*, Co-Author, 02/11/2020

## **SPEAKING ENGAGEMENTS**

"Incident Investigations & Maintaining Privilege," *Holland & Hart Environment and Natural Resources Summit*, October 2019

"Health & Safety Regulatory Issues," *EUCI-Midstream Oil & Gas Contracts*, October 2019

"Dual Enforcement Liability for Highly Hazardous Chemicals Under OSHA and EPA," *Rocky Mountain Mineral Law Foundation*, December 2018

"Major Incident Response: Managing the First 96 Hours," Houston, TX, August 3, 2017

## **PROFESSIONAL AND CIVIC AFFILIATIONS**

- Member of the Houston Bar Association and the Houston Young Lawyers Association