



Douglas Miller, President
150 North Clinton Avenue • Rochester, New York 14604
Phone: 585.703.7233 • Email: DMiller@WorkRiskFree.com

HISTORY, BACKGROUND & EXPERTISE

Founded in 2001, Occupational Safety Consultants has worked with hundreds of clients nationally. With nearly 20 years of experience in health and safety, coupled with extensive hands-on field knowledge, the company, the team and its founder apply a wealth of knowledge to managing and mitigating risk for clients in general industry, construction, transportation and healthcare. For the past 17 years, Mr. Miller has taught for the Region II OSHA Education Centers and currently serves as course chairperson for eleven different courses, including the OSHA 500 and OSHA 501, Construction and General Industry Train-the-Trainer programs. During his career, he has worked as an auditor, project manager and trainer, addressing health and safety issues, developing written safety and health programs and site-specific procedures, as well as the developing and delivering industry-specific training.

INDUSTRIES & MARKETS SERVED

Government Agencies	Industry & Manufacturing	Transportation, Maritime & Railroad
Amusement Parks	Construction Companies	Colleges & Universities
Municipalities & Public Authorities	Professional Service Firms	Oil & Gas
Healthcare & Hospitals	Distribution & Warehousing	Retail

PARTIAL CLIENT LIST

CORPORATE: Exxon Mobil • Envitec Biogas • DuPont • Dresser-Rand • Xerox • Corning • 3M • Wegmans
Rochester General Hospital • Washington Mills • Brady Corporation • Turner Construction • AIG • Travelers
conEdison • Siemens • Fresh Start Bakeries of North America • Oldcastle • Hardinge • Liberty Mutual • Anchor
Glass • Schuler-Haas Electric • Fisher Associates • O'Connell Electric • Cayuga Operating Company

EDUCATION: West Point Military Academy • Hamilton College • SUNY Geneseo • SUNY Old Westbury • SUNY
Oneonta • SUNY Geneseo • SUNY Fredonia • Nassau County Community College • Ulster County Community
College • University of Medicine and Dentistry of New Jersey • University of Rochester • RIT

GOVERNMENT: Monroe County Water Authority • New York State Department of Parks • NYC Department of
Environmental Protection • NYC Department of Buildings • New York State Police • Town of Brighton • Mohawk
Valley Water Authority • Public Employees Risk Management Association (PERMA) • Orleans County, NY

KNOWLEDGE BASE

Scaffolds & Ladders
Cranes & Rigging
Aerial/Scissor/Fork Lifts
Accident Investigation
Machine Guarding

Trenching and Excavation
Construction Safety
Safety Compliance
Employee Safety
Litigation Support

Program Assessment
Training & Procedures
OSHA & ANSI
NYS Labor Laws
NYS Building Codes

- ▶ **Fall protection.** Knowledgeable of equipment, systems, criteria and practices.
- ▶ **New York State Labor Law.** NYS Labor Law §240 (1), §241 (6) and §200.
- ▶ **Litigation support.** Knowledge of Occupational Law; State Code Rules; risk exposure; industry standards & practice; site assessments, inspections & investigations; and accident recreation/investigation.
- ▶ **Regulatory expertise.** Compliance assessments, risk management audits and process evaluations.

SELECT SPEAKING ENGAGEMENTS & ARTICLES

Writer and Editor BIE Advisor: Monthly advisor for New York State Construction Exchanges 2015.

Blogs, Articles Interviews and White Papers: Brady Corporation web postings, informational videos and white papers on a variety of regulatory requirements and product use. 2014 & 2015.

Dival Safety Conference: "Emergency Action Planning and OSHA Recordkeeping," 2012 & 2012

American Society of Safety Engineers (ASSE): Genesee Valley Chapter, 2004 • "Machine Guarding," Central New York Chapter, 2008 • "OSHA Outreach Training Program," Central New York Chapter, 2009 & 2010



Professional Development Conference, "Fall Protection Systems, Criteria & Practices," Central New York Chapter, 2009 • Professional Development Conference, "OSHA's Recordkeeping Regulations," Central New York Chapter, 2010.

Travelers Insurance Risk Management Day: "Construction Fall Management—The Pitfalls of Personal Fall Arrest Systems," Hartford, Boston, Albany and Rochester, 2009.

New York Lumbermen's Insurance Trust Fund: "Fall Hazards and Protective Systems for the Logging and Sawmill Industries," 2010

West Virginia University, Region 3, Education OSHA Education Center: "OSHA 2055 Cranes in Construction," 2016

TRAINING ACCREDITATIONS

OSHA 301: Excavation, Trenching & Soil Mechanics.

OSHA 311: Fall Protection and Personal Fall Arrest Systems.

OSHA 500: Trainer Course in Occupational Safety & Health Standards for the Construction Industry.

OSHA 501: Trainer Course in Occupational Safety & Health Standards for General Industry.

OSHA 502: Update for Construction Industry Outreach Trainers.

OSHA 503: Update for General Industry Outreach Trainers.

OSHA 510: Occupational Safety & Health Standards for the Construction Industry.

OSHA 511: Occupational Safety & Health Standards for General Industry.

OSHA 521: Introduction to Industrial Hygiene.

OSHA 2045: Machinery & Machine Guarding Standards.

OSHA 3095: Electrical Standards.

OSHA 5810: Hazards Recognition & Standards Training Course for On-Shore Oil & Gas Exploration & Production

OSHA 2055: Cranes in Construction

OSHA 7005: Public Warehousing and Storage.

OSHA 7100: Introduction to Machinery and Machine Safeguarding.

OSHA 7105: Introduction to Evacuation and Emergency Preparedness.

OSHA 7405: Fall Hazard Awareness for the Construction Industry.

OSHA 7410: Managing Excavation Hazards.

OSHA 7505: Introduction to Accident Investigation.

OSHA 7845: Recordkeeping Rule Seminar.

National Commission for Certified Crane Operators (NCCCO): Completed knowledge-based training (5 written exams), 2009 • **National Safety Council:** Flagger Train the Trainer • **OSHA:** General Industry Outreach Trainer #61126 and Construction Outreach Trainer #61126 • **Safety, Health, Environmental Construction Network (SHECN):** Certified Trainer #2161

SELECT EXPERT WITNESS EXPERIENCE

Qualified to testify as an expert in Federal Court, New York State Supreme Court, New York State Court of Appeals and New York State Court of Claims.

Defense:

2015: Scissor Lift Tip Over. Provided expert opinions on the requirements for guarding holes after scissor lift drove into a floor hole causing it to tip over. Additionally opined on the practices and regulatory requirements of different employers on a multi-employer worksite.

2015: Mason fell from scaffold. Provided Expert opinions on the use of fall protection equipment, free fall distance, deceleration distance, and total fall distance in regards to an employee being provided appropriate equipment when working on a temporary platform.



2014: Employees falls in 18-foot excavation: Provided expert opinions and custom, practice and regulatory requirements of guarding excavations against falls.

2012: Ironworker Fall. Employee fell, hitting the ground while using personal fall arrest equipment. Provided expert testimony on the proper uses of retractable lifelines, fall arrest clearance distances and manufacturer's specifications.

2012: Scissor Lift Collapse. Employee was elevated in a scissor lift when an overhead crane struck it. Provided expert testimony on the uses of overhead cranes and warning devices per ANSI standards. Provided expert opinions on OSHA's Control of Hazardous Energy (Lockout/ Tag out) standard.

2012: Patron Fell Down Stairs. Provided expert testimony on the installation of stairs and railings and maintenance requirements per NYS Building Codes for nightclubs and similar establishments.

2011: Employee falls from Sand Blast Pot. Provided expert testimony for 240(1) case on the uses of personal fall arrest systems, proper anchorage points, free fall distance and clearance distances. Also provided testimony regarding the proper procedures while working from a sand blast pot and the uses of fixed ladders.

2011: Scissor Lift Collapse. Provided expert testimony on the proper installation and structural requirements of hole covers after an employee tipped over a scissor lift after it entered a floor hole. Additionally, included provided information on the duties of contractors on a multi-contractor worksite and the details of OSHA's multi-employer worksite citation policy (CPL 2-0.124).

2010: Amputation. Employee amputated his finger while threading a pulley for a swing stage scaffold. Provided expert testimony on the scope and application of various NYS Code Rules and Regulations.

2010: Resident Fell Down Stairs. Resident of a municipal housing complex fell down stairs claiming poor lighting. Provided expert testimony on NYS Building Codes and used a luminescence photometer to take light level readings of each stair tread in the stair system.

2010: Scaffolding Accident. Employee fell from welded-frame scaffold while erecting outrigger brackets. Provided expert testimony on industry standards and practices for feasible fall protection on frame scaffolds. Worked with animation engineers to recreate accident in CAD. Provided specifications for NYSCRR, OSHA and ANSI governing scaffold-specific protective systems.

2008: Ironworker Fall. Employee fell while connecting structural steel. Provided expert testimony encompassing the uses of fall protection systems, the limitations of the equipment as it was used and the fabrication of structural steel. Testified in court on both matters.

Plaintiff:

2014: Mason fell from scaffold: Provided expert opinions on the standards, practices and regulatory requirements scaffold erection and fall protections equipment including performance requirements for anchorage points following an employee who fell 30 feet at the WTC site.

2014: OSHA Settlement: Qualified in Federal Court as an expert witness. Provided expert testimony on OSHA regulations including, emergency egress, forklift operation, machine guarding, hazardous energy control, and the applicability of the Bloodborne pathogens standard following the amputation of an employee's hand and a subsequent OSHA inspection, citation and penalty.

2012: Fatal Fall. Provided expert testimony on fall protection system requirements for suspended scaffolds, including proper installation and uses of vertical lifelines, full body harnesses, shock absorbing lanyards and mechanical rope grabs.

2012: Crane Collapse. Provided expert testimony in a TEREX 75T Hydraulic Crane, including load chart calculations, proper crane set up, outrigger blocking and rigging. Determined crane was overloaded, which led to the collapse that injured a worker on the ground.

2012: Skid Steer Loader Accident. Employee was struck by a skid steer loader. Provided testimony on the back-up alarms and their use on skid steer vehicles, as well as proper operating procedures for skid steer loaders.



2012: Pedestrian Hurt at Construction Site. Pedestrian in a metropolitan area was struck by fencing surrounding the construction site. Provided expert testimony on the requirements for securing fences in accordance with Massachusetts regulations and requirements for public protection around construction sites.

2011: Elevator Collapse. Employee and site contractor overloaded a freight elevator with a forklift causing it to fail. Provided expert testimony on forklift operation in conjunction with freight elevators, OSHA's forklift training requirements and contractor control at a Process Safety Management (PSM) covered facility.

2011: Fall Through a Hole. Provided expert testimony on the proper installation, use and marking, and functional requirements of hole covers after contractor fell 35 feet through an unmarked, covered hole at an industrial facility.

2011: Trench Collapse. Provided expert testimony on the rules and regulations regarding trench protection and the proper uses and installation of trench boxes, and their combined use with sloping systems.

2009: Trip and Fall Accident. Employee tripped when foot came into contact with an open drain. The drain was left uncovered by a previous contractor. Provided expert testimony and analysis of the contract for drain hardware provisions and proper installation. Sampled light levels using a luminescence photometer and conducted Bureau of Labor Statistics research on industry trends from common cause.

2009: Forklift Accident. Employee was critically injured from a falling load and collapsing forklift. Conducted physical analysis of forklift, conducted capacities calculations to determine cause of forklift failure after the side shifter separated from the mast assembly. Provided research on manufacturer recalls and service bulletins.

2006: Jack Failure. Employee was pinned between two halves of a modular home during construction. Authored affidavit and provided supporting testimony regarding the proper installation and uses of jacks per NYS Code Rules and Regulations and NYS Labor Law §241(6).

PROFESSIONAL AFFILIATIONS

American Society of Safety Engineers (ASSE), Central NY Chapter, *Past President* (2013-2015)
President (2011-2012) • Vice President (2009-2010)

ASSE Professional Development Conference Committee, *chair* (2011-2013)

Construction Exchange of Buffalo & Western NY, *member* • **Safety Committee,** *member* (2009-2014)

National Fire Protection Association (NFPA), *member*

Builder's Exchange of Rochester, *member* •

OSHA Education Centers, Outreach Training Program Executive Committee, *member*

Western New York Federal Safety and Health Council, *member*

PROCEDURES, METHODS & COURSES DEVELOPED

Overhead Crane Operator Training, Dresser-Rand, 2012-2015.

Frack tank entry program and procedures, Tomcat Truck and Tank Wash, 2012.

Frack tank fall protection procedure and training, Rain for Rent, 2011.

Facility evaluation and recommendations, Ortho Clinical Diagnostics, 2010.

Kiln Repair Project, Respiratory Protection Program, Procedures and Training, Corning, 2010.

Fall Protection Procedure for Railroad Bridge Repairs, L.C. Whitford, 2009.

Fall protection procedures, Pennant Foods, 2008 • Fall protection procedures, Old Castle Pre-Cast Concrete, 2006.

Fall protection methods for PreCast Concrete Erectors with PreCast/PreStressed Concrete Institute (PCI), 2008.

OSHA 10-Hour course for New York State Civil Service Employees Association (NYSCSEA) Partnership, 2006.

Confined Space Rescue procedure for contractors, Indian Point Nuclear Plant, 2005.

PROFESSIONAL HISTORY

Occupational Safety Consultants, *Founder and President* (2001-Present)

Rochester Institute of Technology, Region II OSHA Education Center, *Course Chairperson/Trainer* (2003-Present)
Serve as course chairperson for eleven OSHA courses including OSHA 301, 311, 500, 501, 2045, 2055.



Travelers Insurance, Senior Risk Control Consultant (2008-2009)

Managed and maintained a book of approximately 40 clients worth more than \$9M in annual premium. Worked with clients to identify exposures to loss, identify improvement opportunities, provide resources to aid in implementation of recommendations, provide risk control services and conduct accident investigations.

University of Medicine and Dentistry of New Jersey, Region II Atlantic OSHA Education Training Center, Course Chairperson and Trainer (2003-2006)

Served as course chairperson for various OSHA courses, including OSHA 301, 311, 500, 501, 502, 503 & 510.

Niagara County Community College, Department of Corporate Training, Region II OSHA Education Center, Course Chairperson and Trainer (2000-2003)

Served as course chairperson and instructor for various OSHA courses, including OSHA 301 and 311. Taught courses in safety for General Industry, Construction, Powered Industrial Trucks, Heavy Equipment, Material Handling Equipment and Safety, Health, Environmental Construction Network (SHECN).

Austin Spencer Collision, General Manager (1997-2000)

Managed employee health and safety programs, including respiratory protection. Trained employees on frame straightening equipment and digital measuring systems. Authored job descriptions, SOPs and employee handbooks.

Albert Paley Sculptor, Iron Worker Project Manager/Apprentice (1993-1997)

Knowledgeable of steel, copper, brass, stainless steel fabrication and erection. Developed extensive field experience in steel welding, MIG welding and TIG welding. Knowledge and field experience on the use of cranes, hoists, rigging equipment, aerial lifts, scissor lifts, press brakes, horizontal and vertical hydraulic presses, forging hammers, scaffolds, plasma cutters, heating torches, horizontal hack saws, oxygen-acetylene cutting and brazing, shears, coal forges, gas forges, woodworking equipment and grinders.

EDUCATION & HONORS

St. Bonaventure University

Developed questions for New York State Crane Operator Examination (2013)

American Society of Safety Engineers (ASSE), Safety Professional of the Year (2011-2012)