HUSCH BLACKWELL

Brian Hendrix

SENIOR COUNSEL

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OVERVIEW

Brian advises clients on environmental, health and safety law, with a focus on litigation, incident investigations, enforcement defense and regulatory compliance counseling.

He has extensive experience with federal and state agencies and has represented numerous clients in manufacturing, natural resource production and service-related industries.

Brian has a strong background in the mining and oil and gas industries, with an interest in surface and underground mining, drilling, minerals and metals, processing, refining, aggregates, cement and coal mining.

Brian is a responsive and strategic advisor. Companies often call on him in times of crisis for immediate advice on managing and minimizing their civil and criminal liability.

Brian represents clients before agencies such as OSHA, MSHA, BATFE, DOT and the EPA, as well as in state and federal trial and appellate courts nationwide. He also advises clients on regulatory compliance, products liability and federal permitting and licensing, particularly explosives permitting/licensing. He has extensive experience with administrative rulemaking and legislative strategies. Brian regularly conducts training, seminars and preventive law audits aimed at minimizing civil and criminal liability.

Industry

Energy & Natural Resources

Services

Labor & Employment
Mining & Minerals
Workplace Safety & Health

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Experience

- Represented Morton Salt Inc. in its challenge to a Pattern of Violations enforcement action at its Weeks Island Mine, brought by the Mine Safety and Health Administration. Successfully negotiated a settlement of the matter. Pattern of Violations enforcement actions are rare and represent the most severe, punitive civil enforcement tool available to MSHA; few mines have survived such enforcement actions as going concerns.
- Managed Cargill's investigation of a roof fall that killed two miners, represented the company during the Mine Safety and Health Administration's investigation, and served as Cargill's counsel in subsequent regulatory enforcement litigation.
- Represented Atlantic Alumina (ATALCO) in regulatory compliance and litigation matters involving the Mine Safety and Health Administration. ATALCO's Gramercy facility is the only active alumina refinery in the United States.
- Served as regulatory compliance and litigation counsel for American Rock Salt LLC in Mine Safety and Health Administration matters. The company's Hampton Corners Mine is the largest producing salt mine in the United States.
- Managed Foley Products Co.'s investigation of a fatal accident, represented the company during the Occupational Safety and Health Administration's investigation, and served as counsel in subsequent OSHA enforcement litigation.
- Represented a coalition of companies in the mining industry during the Mine Safety and Health Administration's respirable crystalline silica rulemaking.
- Represented a construction management company during OSHA and other agencies' investigation of a fatal accident at a large construction project on the University of Pittsburgh campus.
- Represented a coalition of companies in the mining industry as amici curiae in a challenge to MSHA's respirable crystalline silica rulemaking, currently pending before the U.S. Court of Appeals for the 8th Circuit.

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Experience

- Served as appellate counsel to Morton Salt Inc. in a case before the Federal Mine Safety and Health Review Commission in which the Secretary of Labor advanced a novel statutory interpretation of a key enforcement provision of the Mine Safety and Health Act. After briefing and argument, the Secretary of Labor withdrew the appeal.

Education

- J.D., Vanderbilt University Law School
- B.A., University of Tennessee

Admissions

- District of Columbia
- U.S. Court of Appeals, Fifth Circuit
- Tennessee
- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, District of Columbia

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