



## Darren J. Hunter

**Partner**  
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Darren Hunter represents Fortune 500 companies and a wide variety of energy, manufacturing, service and retail companies in all aspects of environmental law, with a strong emphasis on occupational and pipeline safety and emergency response. As a nationally recognized safety attorney, Darren defends companies throughout the country in complex OSHA and PHMSA matters and has served as lead counsel in many high-profile matters. In his more than three decades of practice, Darren has taken many matters to mediation, arbitration, trial, and appeal, including natural gas explosions and fires, propane explosions, carbon monoxide incidents, electric arc flash incidents, environmental releases, exceedances and excursions, mineral and property rights, employment disputes, and other legal and factual issues.

For over a decade, Darren served on the Board of the Institute for Safety and Health Management (ISHM), which provides certifications for safety professionals. Darren continues to advocate for workplace safety and emergency response. Darren authored a treatise on safety law published by Bloomberg BNA titled "Practice Under The Occupational Safety and Health Act."

Before joining Hinshaw, Darren was a founding partner of Hunter Masalski LLC. Darren was also a partner and counsel for over 20 years at two international law firms. Darren began his legal career as a judicial law clerk for the Honorable Thomas J. Moran, Chief Justice of the Illinois Supreme Court. For two semesters during law school, he served as a judicial extern for Senior Judge Abraham Lincoln Marovitz of the District Court for the Northern District of Illinois.

### Professional Affiliations

- Illinois State Bar Association
- Chicago Bar Association

### Honors & Awards

- Chicago-Kent College of Law at Illinois Institute of Technology
  - Environmental and Energy Law Society
  - Order of the Coif

### Practices

Environmental  
Government  
Labor & Employment  
Sustainability & ESG

### Industries

Energy

### Education

J.D., *with high honors*,  
Chicago-Kent College of Law  
at Illinois Institute of  
Technology, 1988

B.A., University of Illinois at  
Urbana-Champaign, 1984

### Admissions

Illinois

U.S. District Court for the  
Northern and Southern  
Districts of Illinois



- American Jurisprudence Awards
- Dean's List

## Representative Matters

### Energy and Infrastructure

- Counsel and defend several of the nation's largest natural gas transmission companies and natural gas distribution companies in environmental, health and safety matters, pipeline safety compliance, gas storage issues, emergency response actions, and general litigation.
- Counsel and defend several of the nation's largest interstate oil pipeline companies in pipeline safety and environmental, health and safety matters.
- Successfully represented a natural gas storage facility in bringing a lawsuit against an oil exploration and production company regarding a fracture ("frack") treatment that breached the caprock to the storage zone, resulting in the loss of storage gas. Obtained verdict in favor of the gas storage company after multi-month trial, affirmed on appeal.
- Successfully represented a natural gas storage facility in bringing a lawsuit against an oil exploration and production company regarding an oil well that was perforated in the gas storage zone, resulting in the loss of storage gas. Obtained verdict in favor of the gas storage company, affirmed on appeal.
- Successfully represented a natural gas storage facility in litigation against a county tax board regarding the legality of imposing property taxes on subsurface storage zone. The Illinois Supreme Court ruled that property taxation of the subsurface storage zone was not permitted under Illinois law.
- Successfully defended a natural gas storage facility in a citizen's suit under the Natural Gas Pipeline Safety Act filed in federal District Court. Obtained dismissal on multiple grounds.
- Successfully defended one of the nation's largest gas distribution companies in complex litigation matters, including multiple fire and explosion cases involving customer-owned and company-owned equipment that resulted in fatalities, serious injuries, and extensive property damage, multiple carbon monoxide exposure matters that resulted in fatalities and other serious injuries, and motor vehicle accidents and personal injury cases. Many of these cases went on to trial, appeal, arbitration, and mediation.
- Successfully defended a gas utility in litigation involving a major explosion at a shopping mall in which more than 30 claimants filed suit for property damage and personal injuries. The claims were consolidated and handled as mass tort litigation.
- Represent a trade association of interstate natural gas transmission companies, regarding numerous environmental, health and safety matters that impact the natural gas transmission industry, including compliance with the PCB Mega Rule.

### Health and Safety

- Successfully handled all aspects of an emergency response involving a major tank explosion at a natural gas storage facility, including investigations by numerous state and local government agencies (PHMSA, OSHA, IEPA, CSB, fire and police departments, etc.), coordination of accident investigation, and resolving numerous claims through mediation, settlement and litigation.
- Successfully handled all aspects of an emergency response involving a crankcase explosion at a natural gas compressor station, including investigations by state and local government agencies (PHMSA, OSHA, IEPA, CSB, fire and police departments, etc.), coordination of the accident investigation, and related litigation.
- Successfully defended a bulk storage facility in an OSHA investigation of an incident involving a fatality.
- Represent, consult with, and defend several of the nation's largest natural gas companies and electricity generation and transmission companies in multiple OSHA matters, including complex issues under OSHA's electricity generation standard, and issues related to combustible dust, asbestos, shoring and excavation, fall protection, and many other regulatory requirements. Successfully defended several affiliated companies against OSHA citations in federal States and in most states with state plans, including California, Washington, Michigan, South Carolina, Tennessee, and Minnesota.



- Represent, consult with, and defend one of the nation's largest natural gas distribution companies in multiple pipeline safety matters, including notices of violation brought by the Pipeline Safety Section of the Illinois Commerce Commission.
- Serve as national OSHA counsel to one of the nation's largest electrical manufacturing companies. Focus on all health and safety standards, with an emphasis on electrical safety under OSHA Subpart S and NFPA 70E, lock-out/tag-out, machine guarding, cranes and hoists, fall hazards, personal protective equipment and many regulatory requirements.
- Serve as national OSHA counsel to several of the nation's largest manufacturing companies (paper mills, foundries, container plants, warehouses, engine manufacturers, scaffolding, etc.), and successfully defended the company throughout the United States, including California, Washington, North Carolina, and South Carolina. Several of the inspections involved fatalities and other high profile incidents resulting in Willful, Repeat and significant citations.
- Successfully defended an elevator company against OSHA citations, including separate cases involving a fatality and an amputation.
- Serve as national OSHA counsel to a large retail company with stores in all 50 states.
- Serve as OSHA counsel to several coal-fired generation companies.
- Successfully defended two major food manufacturing companies in numerous OSHA and workers' compensation matters, including process safety management and combustible dust issues.
- Successfully represented a large ink manufacturing company in several employment claims, including a defense verdict in a two-week trial in a retaliatory discharge lawsuit in which the plaintiff sought punitive damages based on alleged retaliation for reporting safety and health violations.

## Environmental

- Successfully represented a major liquid terminal for alleged violations of the Clean Air Act.
- Successfully represented multiple marine terminals in compliance matters under the Clean Air Act, including alleged violations of fugitive emission rules.
- Successfully represented multiple companies in environmental permitting issues.
- Successfully represented an association of Illinois steel companies in a variety of matters, including drafting comments to various proposed environmental regulations, successful challenges to environmental regulations before the Illinois EPA and Illinois Pollution Control Board.
- Successfully represented a large paint company in a multimedia environmental enforcement action which, at the time, was the largest multimedia action ever brought by U.S. EPA. The Complaint included alleged violations of various statutory and regulatory requirements under the Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act, Comprehensive Environmental Response, Compensation and Liability Act, Toxic Substances Control Act and other requirements.
- Successfully defended a foundry in an environmental enforcement action in Wisconsin, involving an alleged unauthorized discharge resulting in a "fish kill."
- Successfully represented a large, integrated steel company in several environmental compliance matters, including an enforcement action brought by the U.S. EPA pursuant to RCRA and a second enforcement action brought by the U.S. EPA pursuant to the Clean Air Act.

## Presentations

- "OSHA Enforcement Post-COVID," Chemical Industry Council of Illinois, Annual Hot Topics Seminar, Virtual Event, June 23, 2021
- "Return to Work during COVID-19: OSHA, CDC, and State-level Guidance," Chemical Industry Council of Illinois, Safety Meeting, Virtual Event, April 1, 2021
- "OSHA Emerging Issues," Navistar Inc., Health and Safety Conference, Virtual Event, September 22, 2020
- "PHMSA Issues NPRM to Reduce Regulatory Burden on Natural Gas Pipelines," MEA Energy Association, Gas Operations Technical & Leadership Summit, Virtual Event, August 13, 2020



- "OSHA Compliance During COVID-19," MEA Energy Association Webinar, Virtual Event, April 24, 2020
- "OSHA's GHS Standard: Trends and Updates," Chemical Safety Council of Illinois, Safety, Security & Sustainability Seminar, Chicago, Illinois, April 11, 2019.
- "Regulatory Hurdles for Siting Pipelines," 2019 Energy Bar Association Midwest Annual Meeting, Chicago, Illinois, March 5, 2019.
- "Emergency Response and Crisis Management," Illinois State Bar Association's 17th Annual Environmental Law Conference, Chicago, Illinois, May 4, 2018
- "GHS, TSCA, and REACH: How These Legal Requirements Impact the Coatings Industry," Wisconsin Paint and Coatings Association Technical Symposium, Franklin, Wisconsin, April 26, 2018
- "PHMSA Regulations and Enforcement: What's Next for Pipeline Safety?," Become Kinetic, Pittsburgh, Pennsylvania, April 24, 2018
- "OSHA for Oil and Gas: Regulations, Auditing and Enforcement," Become Kinetic, New Orleans, Louisiana, October 26, 2017
- "OSHA/Work Safety Update," American Forest & Paper Association General Counsels Meeting, Chicago, Illinois, March 23, 2017
- "PHMSA Enforcement Trends and Corrective Action Orders," Become Kinetic, Webinar Series, March 7 and 14, 2017
- "Regulatory Updates and Changes Impacting Energy Delivery," Midwest Energy Association Fall Executive Roundtable & Board Meeting, Milwaukee, Wisconsin, September 30, 2016
- "OSHA's Outdated Permissible Exposure Limits (PELs): What Now?," American Foundry Society Environmental, Health & Safety Conference, Milwaukee, Wisconsin, August 10, 2016
- "Adopting Safety Management Systems to Comply with Pipeline Safety Regulations," Energy Bar Association Midwest Chapter's Annual Meeting, Indianapolis, Indiana, March 8, 2016

## Publications

- "Practice Under the Occupational Safety and Health Act," Bloomberg BNA, Updated Annually
- "OSHA Takes a New Approach to Safety Incentives," Modern Casting: A Publication of the American Foundry Society, December 2018
- "An Employer's Obligations to Provide First Aid," Modern Casting: A Publication of the American Foundry Society, October 2018
- "The EPA's Clean Water Rule: Why Is It Controversial and Can It Be Fixed?," Modern Casting: A Publication of the American Foundry Society, July 2018
- "Practice Under The Occupational Safety and Health Act," Bloomberg BNA: Corporate Practice Portfolio Series, Portfolio No. 9 - 4th, 2007 – 2018
- "Ask The Lawyer," Institute For Safety and Health Management, Monthly Newsletter, 2013-2018
- "The Appellate Court Declared OSHA Has No Limit on the Look-Back Period for Repeat Citations – And That's a Big Deal," Modern Casting: A Publication of the American Foundry Society, May 2018
- "Impacts of New Walking-Working Surface Rules," Modern Casting: A Publication of the American Foundry Society, February 2017
- "What to Expect from the Upcoming OSHA Penalty Increases," Modern Casting: A Publication of the American Foundry Society, August 2016
- "Under Pressure: Pipeline Operators Are Facing Monumental Proposals from PHMSA to Address Aging Infrastructure, but How Much Is Too Much?," American Gas Magazine, July 2016
- "OSHA Updates Hazard Communication Standards," Modern Casting: A Publication of the American Foundry Society, February 2016



## Personal

Devoted to his family and friends, Darren also spends his free time reading fiction – especially murder mysteries, watching old, classic movies, cooking vegetarian meals, and frequenting coffee shops. A LEGO® enthusiast, Darren also enjoys doting on his miniature golden doodle, Duplo.

## Community/Civic Activities

- ACLU of Illinois, Board of Directors
- The Next Generation Society of the ACLU, Board Liaison