

# MICHAEL KARL McNEIL

REP • RIH • EPP • QSD

*Curriculum Vitae — Occupational Safety, Industrial Hygiene and Hazardous Materials Expert*

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## PROFILE

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Principal of McNeil Safety Consulting and a Former Fire Battalion Chief with 25 years in the fire service, in occupational health and safety since 1989. Retained by plaintiff and defense counsel nationwide as a testifying or consulting expert on OSHA and Cal/OSHA standards, industrial hygiene and chemical exposure, hazardous materials, and workplace injuries and fatalities. Every engagement is handled personally; nothing is subcontracted.

## TESTIMONY AND LITIGATION EXPERIENCE

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- Deposed more than 60 times, in the fire service and as a private consultant.
- Deposed by, and has taken the depositions of, personnel of the California Division of Occupational Safety and Health (Cal/OSHA), the Washington Department of Labor and Industries, and New Mexico OSHA in occupational safety enforcement proceedings.
- Retained by both plaintiffs and defendants. Reports prepared for Federal Rule of Civil Procedure 26(a)(2)(B) and Federal Rule of Evidence 702, and for California Evidence Code §§720 and 801.
- Representation of employers before the Cal/OSHA Appeals Board as designated non-attorney representative: appeals, subpoenas duces tecum, motions to compel and for sanctions, petitions for protective order, and settlement with Division counsel.

## AREAS OF EXPERT OPINION

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- **Construction and multi-employer worksites** — falls, trenching and excavation, struck-by and caught-between, scaffolds and ladders; Multi-Employer Citation Policy (CPL 02-00-124), Title 8 §336.10, Labor Code §6400(b).
- **Machine guarding and amputation** — point-of-operation guarding, lockout/blockout (Title 8 §3314; 29 CFR §§1910.147, 1910.212), ANSI B11 series, employer and manufacturer responsibility.
- **Chemical exposure and exposure reconstruction** — retrospective exposure assessment, exposure modeling, sampling validation against NIOSH and OSHA methods; OSHA PELs, Title 8 §5155, ACGIH TLVs, hazard communication and respiratory protection. Establishes exposure; medical causation is left to the physician or toxicologist.
- **Hazardous materials** — storage, segregation and release, HAZWOPER (29 CFR §1910.120, Title 8 §5192), emergency action planning, NFPA 30, 400 and 704.
- **Battery energy storage and solar** — BESS fire cause and failure investigation, thermal runaway and off-gassing; NFPA 855, UL 9540 and 9540A, NFPA 70E; responder and worker exposure including hydrogen fluoride.
- **Heat illness** — Title 8 §§3395 and 3396, general duty clause, heat-index and WBGT reconstruction.
- **Workplace and environmental fatalities** — confined space (29 CFR §1910.146, Title 8 §5157), asphyxiation and entrapment, root-cause analysis.
- **Ergonomics and human factors** — lifting and repetitive-motion injuries (Title 8 §5110, ACGIH lifting and hand-activity TLVs, NIOSH Revised Lifting Equation), warnings and instructions (ANSI Z535), human error in task and procedure design.

*Fire cause investigation is limited to battery energy storage system (BESS) fires and failures. General structure and wildland fire origin-and-cause and arson investigation are outside the scope of his expert work.*

## REPRESENTATIVE RECENT MATTERS (NAMES WITHHELD)

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- Product liability, industrial roller mill amputation, California Superior Court. Retained by defense counsel for the manufacturer; machine inspection and 82-page expert report with 21 opinions. Designated expert.
- Workplace fatality, motorized horizontal sliding gate, Cal/OSHA. Physical inspection and positive-stop analysis under Title 8 §3324; written report and subpoena rider.
- Workplace crush fatality during flatbed unloading at a logistics facility, California Superior Court. Plaintiff-retained consulting expert.
- Workplace fatality, herbicide exposure. Plaintiff-retained; chemical handling and chemical truck review.
- Construction safety, California Superior Court. Retained construction safety expert.
- Fall injury at a television production studio. Defense-retained; site inspection and multi-employer analysis.
- Multi-employer excavation and impalement citations, Cal/OSHA Appeals Board. Employer representative.

## PROFESSIONAL REGISTRATIONS

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- Registered Environmental Professional (REP), registrant no. 14638023561210825, conferred 25 August 2021
- Registered Industrial Hygienist (RIH), registrant no. 14638029794240319, conferred 19 March 2024
- Emergency Planning Professional (EPP), registrant no. 14638029794240319, conferred 8 January 2025 (registrant numbers are assigned per registrant, so RIH and EPP share one)
- Qualified SWPPP Developer (QSD), State Water Resources Control Board, SMARTS

## CERTIFICATIONS AND TRAINING

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- Hazardous Materials Manager; HAZMAT Specialist and Incident Commander
- HAZWOPER 40-hour (2020); Hazardous Materials Scene Management: Incident Commander, 24-hour (1993); First Responder Operations per 29 CFR §1910.120(q)(6)(ii) (2004)
- U.S. EPA National Enforcement Training Institute, Basic Inspector Course (2007); EPA Watershed Academy, Watershed Management (2007)
- OSHA 30-hour (2017); Cal/OSHA Training Academy, COVID-19 Training for California Employers (2021)
- Clandestine laboratory safety, introductory (2003) with recurring recertification, most recently March 2024; fentanyl safety and naloxone (2025)
- Medical Defense Against Biological and Chemical Agents, advanced topics, 12 contact hours (2002–2003)
- Foundations of Environmental Death Investigations (Missouri POST Control No. 31578, ABMDI 26-117); Environmental Asphyxiation and Entrapment Deaths (Missouri POST Control No. 31574, ABMDI 26-116); CDC TRAIN WB4884, Investigation and Certification of Drug Toxicity Deaths
- EMT-II (California); Certified Tactical Medic, continuing training 2024–2025; BLS and ACLS provider, current to August 2028

## FIRE SERVICE

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25 years, advancing from volunteer firefighter and reserve fire inspector to Fire Prevention Captain and Fire Battalion Chief, Prevention, with a federal fire agency, with assignments across the Western United States. California State Fire Marshal and NWCG credentials; federal law enforcement training at FLETC.

## MEMBERSHIPS, PUBLICATIONS AND RECOGNITION

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- ACOEM (368048), AIHA, ACGIH, NAFI (25411), NAHMMA, FLEOA (229154), ISSP (Level 5, Distinguished Safety Professional), NFPA Research Section
- Contributor to the Journal of Occupational and Environmental Medicine; reviewer for ACOEM; co-author of ACOEM public comments to the U.S. Nuclear Regulatory Commission (2026)
- Certificate of Congressional Recognition (2024); Certificate of Special Congressional Recognition (2001); two Certificates of Merit, federal fire service (2006); Certificate of Appreciation, 1st Reconnaissance Battalion, USMC (2008)