



EXPERT TESTIMONY IN A COURT CASE OF CHEMICAL BURNS FROM MIS-DECLARED HAZARDOUS MATERIAL

OVERVIEW

A truck driver suffered severe chemical burns after unloading an improperly declared and placarded shipment of sodium hydroxide solution. The product was improperly declared as “non-hazardous,” leading to unsafe handling and catastrophic injury.

A HazMat Safety Consulting (HSC) representative provided expert witness testimony for the injured driver’s legal team, clarifying violations in loading/unloading practices and demonstrating failures by the shipper, carrier, and receiving facility. His testimony helped secure a multimillion-dollar jury award.



THE PROBLEM

The incident was caused by multiple instances of non-compliance and negligence by the involved parties. The plaintiff’s legal team did not have an in-house expert with the necessary specialized knowledge of dangerous goods regulations and practices. The legal team needed a trusted, knowledgeable, and credible regulatory expert to identify and clarify the systemic breakdowns that ultimately caused the incident and the plaintiff’s injuries.

THE SOLUTION

The plaintiff’s law firm engaged an HSC expert who provided the regulatory clarity necessary to establish liability:

- **Comprehensive case analysis:** Reviewed all loading, shipping, and facility documents to map where regulatory violations occurred.
- **Expert report and trial testimony:** Explained violations of **49 CFR Part 177 (transportation)**, **Part 172 (hazard communication)**, and industry best practices on loading and unloading operations.
- **Use of regulatory precedent:** Cited the **USDOT’s “Loading and Unloading Best Practices Guide”** (authored based on expert’s contributions while at Pipeline and Hazardous Materials Safety Administration) to show how responsible parties deviated from national standards.
- **Cross-party accountability:** Demonstrated that the shipper, carrier, and consignee each contributed to the unsafe conditions through training lapses and procedural neglect.
 - **Improperly declared shipment:** The loading facility informed the driver that the cargo was “not hazardous,” failing to provide compliant shipping papers, placards, or proper classification. ►

- **Inadequate PPE:** Believing the load was non-hazardous, the driver wore only minimal protection—leaving him unprotected when the chemical splashed during unloading.
- **Procedural negligence:** The receiving facility failed to verify documentation or inspect the vehicle at the gate, ignored placarding requirements, did not adequately train employees, and allowed unloading without supervision.
- **Training and equipment failures:** The carrier had modified unloading valves/equipment without providing adequate driver training, contributing to improper handling and the release of hazardous material.

RESULTS

- **Successful jury verdict:** The jury ruled in favor of the plaintiff, awarding damages in the millions of dollars.
- **Improved regulatory awareness:** The case reinforced the duty of carriers and shippers to ensure proper classification, documentation, hazard classification, employee training, and PPE use.
- **Broader industry impact:** The testimony established a strong precedent emphasizing shared responsibility in hazmat compliance including loading and unloading operations.
- **Credibility in court:** HSC's direct authorship of an expert witness report gave the testimony unmatched authority.

CONCLUSION

The case demonstrates the life-saving and legal importance of compliance with hazardous materials regulations. When companies misclassify or mishandle hazardous shipments, the human and financial costs can be immense.

Through its unique combination of regulatory authorship experience and industry perspective, HazMat Safety Consulting helps clients navigate high-stakes litigation, uncover root causes, and ensure accountability that leads to safer practices across the hazmat transportation chain.

Why Expert Witness Credentials Matter

Complex incidents like chemical unloading injuries demand more than textbook knowledge—they require perspective shaped by years inside both government and industry. The HSC expert's dual experience gave him the clarity to identify what went wrong and the authority to explain it persuasively in front of a jury.

- Extensive knowledge of **PHMSA's federal Loading and Unloading Best Practices Guide** enabled the HSC expert's direct insight into what each party—shipper, carrier, and unloading facility—was obligated to do under the law.
- His combined background as a **regulator and consultant** allowed him to translate technical regulatory failures into plain-spoken explanations that jurors could grasp.
- Having worked on **both sides of enforcement**, he could connect regulatory missteps to their real-world human consequences, grounding the case in safety and accountability.
- His **steady, approachable demeanor** made complex hazmat issues accessible and trustworthy to the court.
- Ultimately, his insight helped link procedural breakdowns to the driver's injuries, resulting in a **multimillion-dollar award** for the plaintiff.