



EXPERT WITNESS SUPPORT IN FATAL ANHYDROUS AMMONIA RELEASE CASE RESULTS IN MULTIMILLION-DOLLAR SETTLEMENT

OVERVIEW

A fatal workplace accident involving the release of anhydrous ammonia led to the death of a farm employee during a fertilizer delivery. The plaintiff's law firm engaged an expert from HazMat Safety Consulting (HSC) to provide regulatory interpretation and expert testimony based on his experience leading the U.S. Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) hazardous materials safety program. His testimony clarified key regulatory requirements and helped the law firm identify negligence among multiple defendants, leading to multimillion-dollar settlements before trial.



THE PROBLEM

The incident involved a farm delivery vehicle transporting anhydrous ammonia in a non-compliant cargo tank truck. Other contributing factors included several training deficiencies related to loading and unloading of hazardous materials. The driver's widow retained a law firm after her husband's death. The law firm required specialized insight to navigate complex DOT hazmat regulations and guidance documents, loading/unloading rules, and training obligations. Without such expertise available in-house, the law firm needed a credible, authoritative, and respected regulatory expert with in-depth understanding of the complex hazardous materials regulations and detailed knowledge of industry best practices to help them with the regulatory interpretation and litigation.

THE SOLUTION

The law firm retained an expert from HSC who provided authoritative and regulatory interpretation that guided both discovery and expert testimony:

- **Expert guidance during discovery:** Advised the law firm on which records, inspection reports, and driver training documents to request. This helped identify the faulty equipment as part of the cause of the incident as the cargo tank truck used was rusted, poorly maintained, and not retested as required under DOT regulations. Additionally, the trucking company failed to provide the adequate hazmat training to the employees who were unaware of basic inspection and filing requirements.
- **Regulatory opinion:** Authored a detailed expert report interpreting **49 CFR hazmat law**, published regulatory guidance (Cargo Tank Motor Vehicle (CTMV)—Loading/Unloading Operations: Recommended Best Practices Guide) and related OSHA/EPA provisions, establishing that the carrier had violated multiple federal requirements. ►

- **Deposition and testimony:** The defense attempted to claim a “farm exemption” to avoid regulatory liability; however, the transported quantity exceeded allowable limits, invalidating that exemption. The HSC expert delivered testimony clarifying why the “farm exemption” did not apply and demonstrated the company’s failure to meet equipment and training standards.
- **Credibility and influence:** As a former PHMSA official responsible for writing, interpreting, and enforcing the regulations, the HSC expert’s testimony carried unique and credible weight with the opposing counsel and judge.

RESULTS

- **Settlements achieved:** All defendants ultimately settled prior to trial—after the HSC expert’s deposition—resulting in multimillion-dollar awards for the victim’s family.
- **Regulatory clarity established:** The expert testimony helped demonstrate clear violations and removed ambiguity around farm exemptions.
- **Discovery optimization:** Legal counsel was equipped to target specific regulatory evidence rather than relying on general technical testimony.
- **Client confidence:** The law firm credited HSC’s expertise for clarifying the governing regulations and strengthening the case outcome.

CONCLUSION

This case underscores how expert regulatory insight can decisively shape litigation outcomes. By combining firsthand knowledge of federal hazmat policy with practical industry experience, HSC provided clarity where regulatory confusion could otherwise derail the case.

Built on decades of leadership within the U.S. Department of Transportation, HSC’s expertise helped the law firm interpret complex DOT rules, identify negligence, and communicate findings credibly—ensuring the case moved forward with confidence, clarity, and the desired outcome for the plaintiff.

Why Expert Witness Credentials Matter

In high-stakes litigation involving hazmat transportation, credibility isn’t built on credentials alone—it’s earned through firsthand regulatory experience. The HSC expert’s background as a former PHMSA senior executive allowed him to bring the perspective of someone who has written, enforced, and interpreted the very regulations at the center of the case.

- Having **led the PHMSA division responsible for writing, interpreting, and enforcing** hazardous materials regulations, HSC expert brought an insider’s view of how regulators assess negligence and liability.
- He **understood exactly how exemptions are applied in practice**, enabling him to dismantle the defendants’ “farm exemption” argument with authority.
- His deep knowledge of **documentation and evidence standards** guided the law firm through discovery, pinpointing what records would carry the most weight in court.
- Because he has served as both **a regulator and an industry advisor**, the expert witness bridged the gap between technical compliance and operational reality—a balance juries and judges find compelling.
- Known for **staying within his proven area of expertise**, he maintained credibility under intense cross-examination.
- In this case, that credibility helped the legal team **secure multimillion-dollar settlements** before trial, avoiding additional risk and cost for the client.