**PRESS RELEASE**

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Heartland Midwest Strongly Denies OSHA Allegations

Heartland is disappointed that OSHA has decided to issue ill-founded and unsubstantiated allegations that are neither supported by facts or even law under these circumstances.

The public should know that Heartland Midwest continues to be a safe company and that allegations are not proof. These citations are merely claims and not conclusions. Heartland Midwest understands that this is simply the initial starting point of a legal process which will force OSHA and its representatives to present evidence to a judge to support claims it feels are weak and ill-defined.

Certainly, no one should mistake these citations as a conclusion about the legal responsibility for causing the explosion of February 19, 2013.

Heartland Midwest’s crew acted safely and properly in performing its work on February 19, 2013. The Heartland Midwest crew tested the equipment before initiating the work and subsequent tests have shown that the equipment was in fact operating normally prior to the gas leak. Heartland Midwest’s employees were digging at a depth that they in fact intended to dig. Unfortunately, neither MGE or USIC (the line locating service) had communicated to Heartland Midwest the depth of the gas line or the correct number of utility lines in the area. After digging and pot-holing the area in question, Heartland Midwest was able to locate two (2) utility lines that had been marked by USIC. Its employees then made a plan to drill at a safe distance below those utility lines that were seen and identified by the Heartland Midwest crew. Unfortunately, a third undisclosed utility line was located below the area that was exposed by Heartland Midwest’s crew.

For reasons that are difficult to understand, OSHA has attempted to become an expert regarding the standards for safely performing underground digging. It is important to note that OSHA has issued absolutely no rules, regulations or published guidelines concerning the proper methods or means to safely conduct underground drilling activities. These citations fail to point to any specific method or regulation issued by any local, state or federal entity that Heartland Midwest and its employees failed to comply with.

Instead, OSHA attempts for the first time to claim that some universal rule exists that requires each underground utility drilling company to dig down to the depth of its intended drill path. Again, there are no published local, state or national guidelines that would impose this standard on Heartland Midwest on February 19, 2013 for the work being performed on The Plaza.

Heartland Midwest also strongly disputes any suggestion in OSHA’s citations that it has “ultimate responsibility” for abating any hazards associated with its work. The OSHA citations conveniently ignore the fact that Missouri law specifically requires utility owners to communicate to companies such as Heartland Midwest the depth of their lines, and ignores the fact that neither MGE or USIC communicated any information to Heartland Midwest other than the presence of two utility lines in the area where it was digging, absent any depth information whatsoever.

It is both interesting and telling that the OSHA citations do not conclude that Heartland Midwest’s employees were improperly trained about the safe methods for drilling. Instead, OSHA criticizes the method of using on-the-job training as the method for communicating safety. Apparently, the federal government feels that reading pamphlets and watching safety videos are more effective and important than learning on-the-job. Decades of real world experience in the field of underground utility work leads Heartland Midwest to believe that on-the-job training and evaluation continues to be the best method to ensure that employees learn to work safely. Unfortunately, today’s developments simply reinforce the impression that in Washington DC, form is more important than substance.

Heartland Midwest fully cooperated with OSHA’s investigation. Heartland Midwest made available to OSHA’s investigator all of the employees who worked on this project, some of who were still recovering from their injuries. No subpoena was needed. When OSHA requested access to Heartland Midwest’s records and documents, again the documents were made available without the need for subpoena.

During its investigation and interviews, OSHA had every opportunity to ask Heartland Midwest employees in private and with no one else around, if Heartland Midwest employees had any concern over the safety of Heartland Midwest’s operations. Not a single Heartland Midwest employee ever expressed even a slight reservation or concern about the safety of the work environment on February 19, 2013.

Yet in OSHA’s bureaucratic domain, it feels free to toss out labels like “willful” and “serious” without regard to the real world implications of those charges. Under these circumstances, Heartland Midwest is more than anxious for an opportunity to put OSHA’s bureaucratic charges to the test. Perhaps OSHA feels that a small company like Heartland Midwest lacks the resources or capability to challenge improper and unsubstantiated allegations. In this judgment, like many of the judgments in its citations, OSHA has made a mistake. Allegations are easy. Proving allegations is a much more challenging task. Heartland Midwest will use every available resource to force OSHA to produce evidence and proof to support these unsupported claims.