

**UNITED STATES COURT OF APPEALS
FOR FIFTH CIRCUIT**

**AMERICAN FOUNDRY SOCIETY
TEXAS REGION 3/TEXAS
CHAPTER OF THE AMERICAN
FOUNDRY SOCIETY, AND TEXAS
ASSOCIATION OF BUSINESS,**

Petitioners,

v.

**OCCUPATIONAL SAFETY &
HEALTH ADMINISTRATION,
UNITED STATES DEPARTMENT
OF LABOR, and THOMAS PEREZ,
SECRETARY, UNITED STATES
DEPARTMENT OF LABOR,**

Respondents.

Civil No. 16 -

PETITION FOR REVIEW

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and Section 6(f) of the Occupational Safety and Health Act, 29 U.S.C. § 655(f), Petitioners American Foundry Society Texas Region 3/Texas Chapter of the American Foundry Society and Texas Association of Business (“Petitioners”)¹ hereby petition the United States Court of Appeals for the Fifth Circuit for review

¹ American Foundry Society Texas Region 3/Texas Chapter of the American Foundry Society and Texas Association of Business are organizations with headquarters and members located in the Fifth Circuit who are adversely affected by the OSHA Occupational Exposure to Respirable Crystalline Silica rule.

of a final rule promulgated by the U.S. Occupational Safety and Health Administration (“OSHA”) on March 25, 2016, set forth in the document entitled “29 CFR Parts 1910, 1915, and 1926, Occupational Exposure to Respirable Crystalline Silica,” Docket No. OSHA-2010-0034, RIN 1218-AB70, published by the Occupational Safety and Health Administration, United States Department of Labor. 81 Fed. Reg. 16285 (March 25, 2016). The Final Rule is attached hereto as Exhibit A.

Dated: April 4, 2016.

Respectfully submitted,

JACKSON LEWIS P.C.

/s/ Bradford T. Hammock

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Attorneys for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 4th day of April 2016, I submitted for filing, via CM/EFC, the forgoing Petition for Review of Petitioners American Foundry Society Texas Region 3/Texas Chapter of the American Foundry Society and Texas Association of Business with the United States Court of Appeals for the Fifth Circuit, with service on April 4, 2016, of same via hand-delivery on the following:

Ann S. Rosenthal
Associate Solicitor of Labor
Occupational Safety and Health
Office of the Solicitor, Room S-4004
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

/s/ Carol Drayton

Carol Drayton, Paralegal