

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: OCCUPATIONAL SAFETY AND HEALTH
ADMINISTRATION, FINAL RULE: OCCUPATIONAL
EXPOSURE TO RESPIRABLE CRYSTALLINE SILICA,
81 FED. REG. 16285, ISSUED ON MARCH 25, 2016**

MCP No. 139

(SEE ATTACHED SCHEDULE)

CONSOLIDATION ORDER

The Occupational Safety and Health Administration, U.S. Department of Labor, issued a Final Rule dated March 25, 2016. On April 11, 2016, the Panel received, pursuant to 28 U.S.C. § 2112(a)(3), a notice of multicircuit petitions for review of that order. The notice included petitions for review pending in six circuit courts of appeal as follows: District of Columbia Circuit Court, Third Circuit Court, Fifth Circuit Court, Eighth Circuit Court, Tenth Circuit Court, and Eleventh Circuit Court.

The Panel has randomly selected the United States Court of Appeals for the District of Columbia Circuit Court in which to consolidate these petitions for review.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 2112(a)(3), the petitions on the attached schedule are consolidated in the District of Columbia Circuit Court and that this circuit is designated as the circuit in which the record is to be filed pursuant to Rules 16 and 17 of the Federal Rules of Appellate Procedure

FOR THE PANEL:



Shawnte McGee, Case Administrator
Random Selector



Darion Payne, Case Administrator
Witness

**IN RE: OCCUPATIONAL SAFETY AND HEALTH
ADMINISTRATION, FINAL RULE: OCCUPATIONAL
EXPOSURE TO RESPIRABLE CRYSTALLINE SILICA,
81 FED. REG. 16285, ISSUED ON MARCH 25, 2016**

MCP No. 139

SCHEDULE OF PETITIONS

CIRCUIT NO.

CASE CAPTION

DC Circuit No. 16-1105

North America's Building Trade v. OSHA, et al.

Third Circuit No. 16-1774

American Federation of Labor &, et al v. OSHA

Fifth Circuit No. 16-60208

Associated Masonry Contr of TX, et al v. OSHA, et al.

Eighth Circuit No. 16-1819

Greater ND Chamber of Commerce v. OSHA, et al.

Tenth Circuit No. 16-9518

State Chamber of Oklahoma v. OSHA, et al.

Eleventh Circuit No. 16-11502

Georgia Construction Aggregate v. OSHA