

**UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION**

**IN RE: OCCUPATIONAL SAFETY AND HEALTH  
ADMINISTRATION, FINAL RULE: OCCUPATIONAL  
EXPOSURE TO BERYLLIUM, 82 FED. REG. 2470,  
ISSUED ON JANUARY 9, 2017**

MCP No. 143

(SEE ATTACHED SCHEDULE)

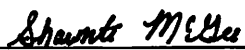
**CONSOLIDATION ORDER**


The Occupational Safety and Health Administration issued a final rule dated January 9, 2017. On January 27, 2017, the Panel received, pursuant to 28 U.S.C. § 2112(a)(3), a notice of multicircuit petitions for review of that final rule. The notice included petitions for review pending in two circuit courts of appeal as follows: Eighth Circuit Court and Eleventh Circuit Court.

The Panel has randomly selected the United States Court of Appeals for the Eighth Circuit 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 United States Court of Appeals for the Eighth Circuit, 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 T. McGee, Case Administrator  
Random Selector

  
\_\_\_\_\_  
Darion A. Payne, Case Administrator  
Witness

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**SCHEDULE OF PETITIONS**

**CIRCUIT**

Eight Circuit, No. 17-1124

Eleventh Circuit, No. 17-10313

**CASE CAPTION**

Airborne, et al v. OSHA, et al

Mobile Abrasives, Inc. v. U.S.  
Department of Labor