

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

**ASSOCIATED MASONRY
CONTRACTORS OF TEXAS DBA
TEXAS MASONRY COUNCIL;
ASSOCIATED SUBCONTRACTORS
ASSOCIATION OF TEXAS, INC.;
DISTRIBUTION CONTRACTORS
ASSOCIATION; LOUISIANA
ASSOCIATED GENERAL
CONTRACTORS, INC.;
MECHANICAL CONTRACTORS
ASSOCIATION OF TEXAS, INC.;
MISSISSIPPI ROAD BUILDERS'
ASSOCIATION; PELICAN
CHAPTER, ASSOCIATED
BUILDERS AND CONTRACTORS,
INC.; AND TEXAS ASSOCIATION
OF BUILDERS,**

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 OF 1970, 29 U.S.C. §

655(f), Petitioners Associated Masonry Contractors of Texas DBA Texas Masonry Council; Associated Subcontractors Association of Texas, Inc.; Distribution Contractors Association; Louisiana Associated General Contractors, Inc.; Mechanical Contractors Association of Texas, Inc.; Mississippi Road Builders' Association; Pelican Chapter, Associated Builders and Contractors, Inc.; and Texas Association of Builders ("Petitioners")¹ hereby petition the United States Court of Appeals for the Fifth Circuit for review 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.

¹ Associated Masonry Contractors of Texas DBA Texas Masonry Council; Associated Subcontractors Association of Texas, Inc.; Distribution Contractors Association; Louisiana Associated General Contractors, Inc.; Mechanical Contractors Association of Texas, Inc.; Mississippi Road Builders' Association; Pelican Chapter, Associated Builders and Contractors, Inc.; and Texas Association of Builders are associations with headquarters and members located in the Fifth Circuit who are adversely affected by the OSHA Occupational Exposure to Respirable Crystalline Silica rule.

Dated: April 4, 2016.

Respectfully submitted,

JACKSON LEWIS P.C.

/s/ Bradford T. Hammock

Bradford T. Hammock
Tressi L. Cordaro
Nickole C. Winnett
10701 Parkridge Boulevard, Suite 300
Reston, VA 20191
Telephone: (703) 483-8300
Facsimile: (703) 483-8301

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 Associated Masonry Contractors of Texas DBA Texas Masonry Council; Associated Subcontractors Association of Texas, Inc.; Distribution Contractors Association; Louisiana Associated General Contractors, Inc.; Mechanical Contractors Association of Texas, Inc.; Mississippi Road Builders' Association; Pelican Chapter, Associated Builders and Contractors, Inc.; and Texas Association of Builders 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