

Appeal No.: _____

**In the United States Court of Appeals for the
Eleventh Circuit**

ASSOCIATED BUILDERS AND CONTRACTORS, INC.
and
ASSOCIATED BUILDERS AND CONTRACTORS
OF ALABAMA, INC.

Petitioner,

v.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION,
UNITED STATES DEPARTMENT OF LABOR,

Respondent.

PETITION FOR REVIEW

J. Larry Stine
Georgia Bar No. 682555
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Counsel for Petitioner

CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT

Counsel for Petitioners, certifies that the following is a complete list of interested persons as required by Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rules 26.1-1 to 26.1-3:

Associated Builders and Contractors, Inc., Petitioner

Associated Builders and Contractors of Alabama, Inc., Petitioner

Baird, Edmund, Attorney for Respondent

Occupational Safety & Health Administration, Department of Labor,
Respondent

Stine, J. Larry, Attorney for Petitioner

No publicly traded company or corporation has an interest in the outcome of this case or appeal.

PETITION FOR REVIEW

Pursuant to § 6(f) of the Occupational Safety and Health Act, 29 U.S.C. § 655(f), and Federal Rule of Appellate Procedure 15, the Associated Builders and Contractors, Inc. and Associated Builders and Contractors of Alabama, Inc. do hereby petition the court for review of the Emergency Temporary Standard (ETS) issued by the Occupational Safety and Health Administration, United States Department of Labor, and published in the Federal Register on November 5, 2021, at Volume 86, pages 61402 through 61555. Specifically, Petitioners petition for review on the ground that the ETS exceeds the Department's statutory authority and fails to comply with the standards for issuing an ETS, particularly with regard to the construction industry. The ETS irreparably harms many construction industry employers who are members of and represented by the Petitioner trade associations. A copy of the Emergency Temporary Standard is attached to this petition as Exhibit A.

Respectfully submitted this 9th day of November 2021.

/s/ J. Larry Stine

J. Larry Stine

Georgia Bar No. 682555

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CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2021, I caused a copy of this Petition for Review to be served on Respondent by email and first-class mail to:

Edmund C. Baird
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/s/ J. Larry Stine
