

**BEFORE THE UNITED STATES
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

IN RE: Occupational Safety and Health Administration,
U.S. Department of Labor,
“COVID-19 Vaccination and Testing; Emergency Temporary Standard,”
Interim Final Rule,
November 4, 2021

MDL- _____

**NOTICE TO THE UNITED STATES JUDICIAL PANEL ON MULTIDISTRICT
LITIGATION OF MULTICIRCUIT PETITIONS FOR REVIEW**

Pursuant to 28 U.S.C. § 2112(a)(3) and the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, hereby notifies the United States Judicial Panel on Multidistrict Litigation of thirty-four petitions for review of the same final agency action. These petitions were filed in twelve different courts of appeals within ten days after issuance¹ of the agency action. OSHA received time-stamped petitions from petitioners in each circuit within the applicable ten-day period (28 U.S.C. § 2112(a)(1)).

¹ An OSHA emergency standard is considered issued “at the time when the standard is officially filed in the Office of the Federal Register.” 29 C.F.R. § 1911.12(a)(2). This emergency temporary standard (ETS) was filed with the Office of the Federal Register and posted for public inspection on the Federal Register’s website on November 4, 2021. See OSHA’s COVID-19 Vaccination and Testing ETS webpage, <https://www.osha.gov/coronavirus/ets2> (indicating the date of filing). The ETS was subsequently published in the Federal Register on November 5, 2021. 86 Fed. Reg. 61402. Because the tenth day after November 4, 2021 falls on a Sunday, the statutory period ends on November 15, 2021, regardless of whether the ten-day period is counted as starting with the November 4 inspection date or the November 5 publication date.

We submit with this notice a schedule setting forth the information required by Rule 25.2 and attach copies of the time-stamped petitions.

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