UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

COMMONWEALTH OF KENTUCKY; STATE OF IDAHO; STATE OF KANSAS; STATE OF OHIO; STATE OF OKLAHOMA; STATE OF TENNESSEE; and STATE OF WEST VIRGINIA; Petitioners, v. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR; DOUGLAS L. PARKER, Assistant Secretary of Labor for Occupational Safety and Health, in his official capacity; JAMES FREDERICK, Deputy Assistant Secretary of Labor for Occupational Safety and Health, in his official capacity; MARTIN J. WALSH, Secretary of Labor, in his official capacity Respondents.	)	Docket No. _____ *Electronically filed*

PETITION FOR REVIEW

Pursuant to Fed. R. App. 15, section 6(f) of the Occupational Safety and Health Act, 29 U.S.C. § 655(f), and the Administrative Procedure Act,

5 U.S.C. §§ 551–706, the Commonwealth of Kentucky and the States of Idaho, Kansas, Ohio, Oklahoma, Tennessee, and West Virginia (the "Petitioner States") hereby petition the Court for review of the emergency temporary standard entitled "*COVID-19 Vaccination and Testing; Emergency Temporary Standard*" issued by the U.S. Department of Labor's Occupational Safety and Health Administration, published in the Federal Register on November 5, 2021 at Volume 86, pages 61402 through 61555, and the accompanying administrative record. A copy of the emergency temporary standard is attached to this petition as Exhibit 1.

On this date, Petitioner States are also filing a motion to stay the emergency temporary standard pending the Court's review pursuant to Fed. R. App. 18. The States respectfully request a ruling on that motion for a stay pending final judgment by no later than **November 12, 2021.** This will allow the States to seek immediate relief at the Supreme Court before the compliance dates should this Court deny relief.

To facilitate a ruling by this date, the States propose the following briefing schedule for their motion to stay:

- Response brief: due **Tuesday, November 9**
- Reply brief: due **Wednesday, November 10, at 5 PM**

Dated: November 5, 2021

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that on November 5, 2021, in accordance with 28 U.S.C. §2112(a), I served a copy of this Petition for Review on Respondents by delivering a copy via first-class mail and by electronic mail as indicated below:

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