

ORAL ARGUMENT NOT YET SCHEDULED**No. 20-1158**

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

In re: American Federation of Labor and Congress of Industrial Organizations,
Petitioner.

ON EMERGENCY PETITION FOR WRIT OF MANDAMUS TO THE OCCUPATIONAL
SAFETY AND HEALTH ADMINISTRATION, UNITED STATES DEPARTMENT OF LABOR

**UNOPPOSED MOTION OF CHAMBER OF COMMERCE OF THE
UNITED STATES, THE NATIONAL FEDERATION OF
INDEPENDENT BUSINESS, RESTAURANT LAW CENTER, THE AIR
CONDITIONING CONTRACTORS OF AMERICA, INDEPENDENT
ELECTRICAL CONTRACTORS, AND THE NATIONAL FISHERIES
INSTITUTE FOR LEAVE TO FILE BRIEF
AS *AMICI CURIAE***

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CERTIFICATE PURSUANT TO CIRCUIT RULE 27(a)(4)

Except for *amici curiae* Chamber of Commerce of the United States, The National Federation of Independent Business, Restaurant Law Center, The Air Conditioning Contractors of America, Independent Electrical Contractors, The National Fisheries Institute, and National Association of Home Builders, all parties, intervenors, and *amici* appearing in this Court are listed in the Emergency Petition.

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, Proposed *Amici* state that:

Amicus curiae Chamber of Commerce of the United States of America has no outstanding shares or debt securities in the hands of the public and has no parent company. No publicly held company has 10% or greater ownership interest in the Chamber.

Amicus curiae The National Federation of Independent Business is an incorporated nonprofit association. It is not a publicly held corporation and has no parent corporation.

Amicus curiae Restaurant Law Center has no outstanding shares or debt securities in the hands of the public and has no parent company. No publicly held company has 10% or greater ownership interest in the Law Center.

Amicus curiae The Air Conditioning Contractors of America is not a publicly held corporation and there is no parent corporation that owns 10 percent or more of this entity's stock.

Amicus curiae Independent Electrical Contractors is an incorporated nonprofit association. It is not a publicly held corporation and has no parent corporation.

Amicus curiae The National Fisheries Institute is not a publicly held corporation, and there is no parent corporation that owns 10 percent or more of this entity's stock.

Pursuant to Circuit Rules 21(a) and 29(b), the Chamber of Commerce of the United States, The National Federation of Independent Business, Restaurant Law Center, The Air Conditioning Contractors of America, Independent Electrical Contractors, and The National Fisheries Institute (“Proposed *Amici*”) hereby seek leave to file a brief as *amici curiae*. The parties do not oppose this motion.

Proposed *Amici* have a compelling interest in the disposition of this case as they represent large and small businesses in virtually every economic sector across the United States. Because Petitioner seeks a new safety standard that would govern nearly all American employers, Proposed *Amici*’s interests are directly at stake in this lawsuit.

Proposed *Amici*’s brief will assist the Court by explaining that a new standard is unnecessary because existing workplace safety standards—combined with flexible and evolving industry-specific guidance issued by federal, state, and local governments and private institutions during the COVID-19 pandemic—already protect the health and safety of America’s workers. Additionally, Proposed *Amici*’s brief will address why a judicially ordered standard raises serious separation-of-powers concerns and counsels against judicial intervention, especially as Congress is currently contemplating legislation on this very standard.

Dated: May 29, 2020

Respectfully Submitted,

/s/ Brett A. Shumate

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CERTIFICATE OF COMPLIANCE

1. This document complies with the word limit of Fed. R. App. P. 27(d)(2)(A) because it contains a total of 190 words.

2. This document complies with the typeface requirements of Fed. R. App. P. 27(d)(1)(E) because this document has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Garamond.

/s/ Brett A. Shumate

CERTIFICATE OF SERVICE

The undersigned certifies that, on this 29th day of May 2020, I filed the foregoing document using this Court's Appellate CM/ECF system, which effected service on all parties.

/s/ Brett A. Shumate