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February 6, 2009

VIA MESSENGER

The Honorable Mark J. Langer, Clerk
United States Court of Appeals for the District of Columbia Circuit
United States Courthouse, Room 5423
333 Constitution Avenue, N.W.
Washington, D.C. 20001

Re: Petition for Review

Dear Mr. Langer:

Enclosed for filing are:

1. An original and four copies of a Petition for Review by the petitioners listed below;
2. Five copies of the final rule that the petition concerns, *i.e.*, the Occupational Safety and Health Administration's final rule entitled "Clarification of Employer Duty To Provide Personal Protective Equipment and Train Each Employee," 73 Fed. Reg. 75568 (Dec. 12, 2008);
3. An original and four copies of a Disclosure Statement under FED.R.APP.P. 26.1 and Circuit Rule 26.1;
4. A certificate of service; and
5. A check in the amount of \$450 for the docketing fee.

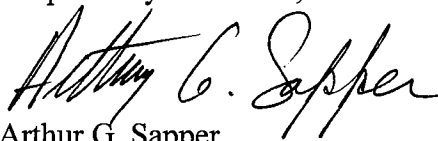
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Respectfully submitted,



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202-756-8246

Counsel for Petitioners, National Association of Home Builders; Chamber of Commerce of the United States of America; and The National Association of Manufacturers

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

National Association of Home Builders; Chamber of
Commerce of the United States of America; and The National
Association of Manufacturers,

Petitioners,

v.

OCCUPATIONAL SAFETY AND HEALTH
ADMINISTRATION, U.S. DEPARTMENT OF LABOR,
Respondent.

Civil No. 09-_____

PETITION FOR REVIEW

Pursuant to Fed.R.App.P. 15 and section 6(f) of the Occupational Safety and Health Act of 1970; 29 U.S.C. 655(f), National Association of Home Builders; Chamber of Commerce of the United States of America; and The National Association of Manufacturers hereby petition the Court to review and invalidate a final rule promulgated by the U.S. Occupational Safety and Health Administration (“OSHA”) entitled “Clarification of Employer Duty To Provide Personal Protective Equipment and Train Each Employee,” 73 Fed. Reg. 75568 (Dec. 12, 2008).

OSHA’s final rule is not authorized by law. Accordingly, the petitioners respectfully request that this Court vacate the final rule.

Venue is proper in this court because the petitioners are incorporated, headquartered and has its principal place of business in the District of Columbia, or represent members who reside or whose principal place of business is in the District of Columbia.

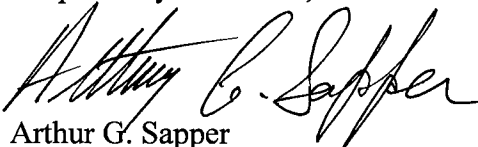
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Petitioners,)	
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v.)	
)	Civil No. 09-_____
OCCUPATIONAL SAFETY AND HEALTH)	
ADMINISTRATION, U.S. DEPARTMENT OF LABOR,)	
Respondent.)	
)	

CORPORATE DISCLOSURE STATEMENT

In accordance with FED.R.APP.P. 26.1 and Circuit Rule 26.1, National Association of Home Builders; Chamber of Commerce of the United States of America; and The National Association of Manufacturers hereby submit these Corporate Disclosure Statements.

1. The National Association of Home Builders (NAHB) is a non-profit 501(c)(6) corporation incorporated in the State of Nevada, with its principal place of business in Washington, D.C. NAHB represents the interests of home builders and home remodelers, and other companies working in closely related fields within the housing industry. NAHB has member companies in all 50 states, the District of Columbia, and Puerto Rico, and over 800 affiliated local and state associations throughout the Nation. NAHB does not have a parent company or publicly-traded stocks.

2. The Chamber of Commerce of the United States of America (the Chamber) is a non-profit corporation organized and existing under the laws of the District of Columbia. The Chamber is the largest federation of business, trade and professional organizations in the United States. It represents an underlying membership of more than 3 million businesses and organizations of every size, sector, and region of the country, including the District of Columbia.

A central function of the Chamber is to advocate the interests of its members in important matters before courts, Congress and the Executive Branch. To that end, the Chamber has filed lawsuits and *amicus* briefs in numerous cases involving issues of vital national concern to American business. The Chamber has no parent company and does not issue stock. Its principal place of business is in Washington, D.C. The Chamber has members throughout the United States, including the District of Columbia.

3. The National Association of Manufacturers (NAM) is the nation's largest industrial trade association, representing small and large manufacturers in every industrial sector. It has employer-members in all 50 states and the District of Columbia. The NAM is a non-profit organization with its principal place of business in Washington, D.C., and has 10 additional offices across the country. The NAM's mission is to enhance the competitiveness of manufacturers by shaping a legislative and regulatory environment conducive to U.S. economic growth and to increase understanding among policymakers, the media and the general public about the vital role of manufacturing to America's economic future and living standards. The NAM does not have a parent company or publicly-traded stocks.

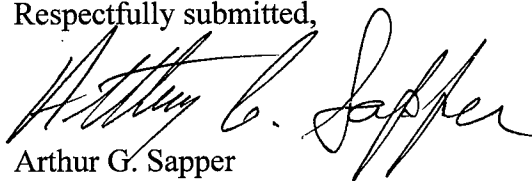
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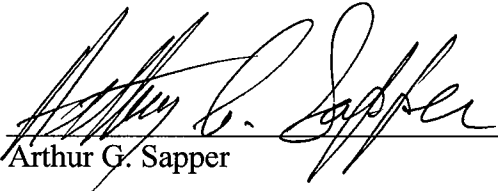
CERTIFICATE OF SERVICE

This is to certify that the foregoing "Petition for Review" and "Corporate Disclosure Statement" were served by U.S. mail, first class, postage prepaid, this 6th day of February 2009, upon the following persons:

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Attorney General Eric Holder
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