

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

CENTURY ALUMINUM CO.,)	
)	
Petitioners,)	
)	
v.)	
)	
U.S. OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION and U.S. DEPARTMENT OF LABOR,)	Civ. No. 17-1546
)	
Respondents,)	
)	
and)	
)	
UNITED STEELWORKERS,)	
)	
Intervenor.)	
)	

JOINT STATUS REPORT

Century Aluminum (“Petitioner”) together with Respondents Secretary of Labor and the Occupational Health and Safety Administration (“OSHA”), hereby submit this Joint Status Report in accordance with the Court’s June 3, 2019 letter:

1. Petitioner challenged OSHA’s final rule “Occupational Exposure to Beryllium.” 82 Fed. Reg. 2470 (Jan. 9, 2017). The effective date of the standard was May 20, 2017. *See* 82 Fed. Reg. 14439 (Mar. 21, 2017). There are compliance dates for various regulatory obligations of May 11, 2018, December

12, 2018, March 11, 2019, and March 10, 2020. *See* 82 Fed. Reg. at 2742; 83 Fed Reg. at 39351.

2. On May 1, 2018, Petitioner and OSHA filed a joint motion to extend the briefing schedule in this matter.

3. On May 2, 2018, the Court held the Petition for Review in abeyance on its own motion and requested a status update be submitted to the Court by August 2, 2018. The parties filed a status report on August 1, 2018. While settlement negotiations have continued, the parties filed seven subsequent status reports with the Court on the following dates: October 31, 2018, January 2, 2019, February 1, 2019, March 4, 2019, April 3, 2019, May 3, 2019, and June 3, 2019. On June 3, the Court requested a further status update be submitted to the Court by July 3, 2019.

4. Petitioner and OSHA continue to make significant progress in their discussions regarding a potential resolution of Century's concerns. Petitioner and OSHA believe that they are very close to finalizing an agreement.

5. Petitioner and OSHA believe that the Petition for Review should continue to be held in abeyance to allow the parties to continue settlement discussions.

6. Petitioner and OSHA agree to file a status report by August 9, 2019.

Dated: July 3, 2019

Respectfully submitted,

/s/ Joseph G. Gilliland

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/s/ Eugene Scalia

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 3, 2019, the foregoing document was filed with the Clerk of the Court via CM/ECF. I also certify that the foregoing document is being served this day on counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Eugene Scalia _____
Eugene Scalia