

4/2/03 ORDER (Chief Judge Becker, Authoring Judge, McKee and *Hill, Circuit Judges)

This 2nd day of April, 2003, upon consideration of the Report and Recommendation by the Honorable Walter K. Stapleton who was appointed as mediator, and the comments of the parties thereon, and for the reasons set forth in this court's opinion of December 24, 2002, It is ordered that:

1. The Occupational Safety and Health Administration ("OSHA") and the Secretary of Labor ("the Secretary") shall pursue on an expedited basis the rule-making process initiated on December 4, 2002, directed to the permissible exposure limit for hexavalent chromium.

2. OSHA and the Secretary shall publish a proposed rule on or before October 4, 2004.

3. OSHA and the Secretary shall publish a final rule on or before January 18, 2006.

4. The compliance dates set forth above will be altered by the court only in the event of materially altered circumstances that cannot currently be anticipated.

5. Within one week of each of the following dates: August 4, 2003, December 4, 2003, April 4, 2004 July 4, 2004, October 4, 2004, January 4, 2005 May 4, 2005, August 4, 2005, November 4, 2005 and February 4, 2006, OSHA shall provide to the court, to counsel for the petitioner, and to counsel for the intervenors, a written report describing its progress in the rulemaking.

The Court shall retain jurisdiction over this matter and the implementation of this order.

*The Honorable James C. Hill, United States Circuit Judge for the Eleventh Circuit, sitting by designation, filed. (tyw)