

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-1088

September Term, 2022

MSHR-LAKE2019-0317-M

Filed On: June 6, 2023

Secretary of Labor, Mine Safety and Health
Administration,

Petitioner

v.

Westfall Aggregate & Materials, Inc. and
Federal Mine Safety and Health Review
Commission,

Respondents

BEFORE: Pillard and Pan, Circuit Judges; and Edwards, Senior Circuit Judge

ORDER

It is **ORDERED**, on the court's own motion, that the April 7, 2023 opinion be amended to replace section II.A. Standard of Review.

The Clerk is directed to issue the amended opinion. The Clerk is further directed to issue the mandate forthwith.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk