

NEWS BRIEF

Provided by: Wallace Welch & Willingham

Businesses Ask for the OSHA ETS to Be Delayed Until After the Holidays

As companies wait for the Occupational Safety and Health Administration (OSHA) to publish the COVID-19 vaccine emergency temporary standard (ETS), they are becoming increasingly concerned about implementing the ETS during the holiday season.

Business groups have been meeting with the Office of Management and Budget to discuss the ETS before publication. Associations and businesses have been writing letters to the administration addressing their concerns about the potential issues companies may face once the mandate is published.

What Groups Are Asking

Business and organizations have asked the Biden Administration to consider waiting to make the ETS effective until the new year. Some groups are asking for 90 days to comply with the mandate once it is published in the Federal Register, which would push the implementation to the end of January. Employers will likely have time to implement the vaccination ETS; however, certain parts could come sooner than later, like weekly testing requirements.

Concerns About Effects of the ETS

The American Trucking Association (ATA) wrote a [letter](#) to the White House explaining that although they support the Biden Administration's goal of

increased vaccination rates, the ETS will have "vast unintended consequences." The ATA is concerned that many drivers will likely quit if the vaccine is mandated, affecting the supply chain throughout the country at one of the busiest times of the year. Currently, the industry already has a driver shortage and this would add to that issue.

Retailers are concerned that they will not have enough staff to work during the holiday season, adding additional stress to an already short-staffed economy.

The U.S. Chamber of Commerce (the Chamber) also met with the White House and raised concerns about labor shortages and increased supply chain issues. The Chamber hopes that employers will be offered a grace period to implement the demands of the new regulation.

Currently, the ETS is still [pending review](#) with the Office of Information and Regulatory Affairs and is expected to be published in Federal Register soon.



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