



**FOR IMMEDIATE RELEASE**

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## **Ohio Chamber of Commerce Files Amicus Brief Challenging OSHA Mandate**

*COLUMBUS, OHIO* – On November 4, 2021, the Biden Administration, through the Occupational Safety and Health Administration (OSHA), issued an Emergency Temporary Standard, or ETS, requiring employers with more than 100 employees companywide to implement a vaccine mandate or require unvaccinated employees to receive a weekly COVID-19 test. This rule is estimated to possibly impact as many 84 million employees across the country and was set to be enforced starting on January 4, 2022.

Almost immediately, the OSHA ETS was challenged in court by businesses and attorneys general, including Ohio's Dave Yost. These groups generally argue the ETS exceeds the rulemaking authority of OSHA for many reasons, including the belief that Congress never contemplated giving an administrative agency the ability to mandate the vaccination of millions of Americans and the fact that COVID-19 is not a hazard that exists solely in the workplace. As a result of the multitude of lawsuits challenging the ETS, a multi-district litigation lottery was held, and Ohio's 6th District Court of Appeals was chosen as the forum to hear this case.

In support of the Ohio business community, the Ohio Chamber organized a coalition of Ohio trade associations and filed an amicus brief today challenging OSHA's vaccination and testing requirement. In our amicus brief, we argue that the decision to have the regulation only apply to companies with more than 100 employees is arbitrary and that aspects of the ETS are ambiguous. The brief also highlights how the rule could negatively impact Ohio's already difficult labor market. Joining the Ohio Chamber's amicus brief were the Ohio Hotel and Lodging Association, the Ohio Grocers Association, the Wholesale Beer and Wine Association of Ohio, the Ohio Automobile Dealers Association and the Ohio Bankers League.

Ohio Chamber of Commerce CEO Steve Stivers said, “As part of the Ohio Chamber’s efforts to assure employers are empowered to make decisions about vaccine protocol that works best for their company, we filed an amicus brief challenging OSHA’s authority to implement a standardized vaccination policy for every employer with more than 100 employees. Businesses have been leaders in the fight against COVID-19, and the last thing they need are bureaucrats and politicians in Washington D.C. trying to dictate how they run.”

At the state level, the Ohio Chamber also today continued efforts to oppose House Bill 218, which would limit businesses’ ability to implement employee vaccine mandates of their own accord. Ohio Chamber VP of Government Affairs Keith Lake testified against HB 218 before the Ohio Senate General Government Budget Committee this morning.

“While forcing vaccine mandates and banning vaccine mandates may seem like opposite matters, in reality, the federal and state issues are two sides of the same coin, and that coin is government overreach,” Stivers said. “The Ohio Chamber will continue to fight against this excessive display of legislative authority in any form.”

The Ohio Chamber is the state’s leading business advocate and represents thousands of companies that do business in Ohio. Our mission is to aggressively champion free enterprise, economic competitiveness and growth for the benefit of all Ohioans.

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