

United States Senate

October 25, 2021

The Honorable Patty Murray
Chair
Committee on Health, Education, Labor,
& Pensions
United States Senate
Washington, D.C. 20510

The Honorable Richard Burr
Ranking Member
Committee on Health, Education, Labor,
& Pensions
United States Senate
Washington, D.C. 20510

Dear Chair Murray and Ranking Member Burr:

I write today to request an urgent and immediate hearing in the Health, Education, Labor, and Pensions Committee on President Biden's Executive Order on Ensuring Adequate COVID Safety Protocols for Federal Contractors, as well as the forthcoming Emergency Temporary Standard (ETS) from the Occupational Safety and Health Administration (OSHA). The impact of these mandates on our workforce, economic recovery, and the broader supply chain have wide-reaching implications. It should be discussed and debated in Congress before being allowed to advance. Furthermore, I would like to suggest a broad labor panel consisting of electrical workers, machinists, and other rank-and-file union members be invited to testify so that the full and diverse impacts of these mandates can be best understood. Their voices must be heard regarding the impact the mandate will have not only on individual freedoms but also on broader disruptions in our communities.

Since the Executive Orders were issued, I have held a series of town halls and roundtable meetings on vaccine mandates to inform my efforts in Washington. Last week, I held a roundtable featuring multiple labor associations representing law enforcement, bakers, electrical workers, machinists, and more, as well as a roundtable with business leaders. Prior to that, I held a roundtable with aviation-related labor associations, which is one of the largest industries in my state. These labor associations contract with some of the largest employers across the state, and based on input from these Kansans, as well as from the numerous business owners, healthcare providers, and manufacturers, I can say with certainty that if both the federal contractor mandates as well as the ETS from OSHA go into effect, it will have dire consequences on our workforce, economic recovery, and trust in the federal government.

Following President Biden's September 9 announcement of multiple new vaccination mandates, many Kansas businesses have told me that their employees will walk off the job over this new requirement. This concern is felt nationwide for employers. A poll reported that 70 percent of unvaccinated workers would likely quit if their employer required them to be vaccinated and didn't provide a medical or religious exemption.¹ Last week, a survey released from the Society for Human Resource Management found that 82 percent of employers say that vaccination requirements will make maintaining the morale and

¹ Washington Post, As coronavirus fears spike, Biden's ratings sag and workers split on vaccine mandates, Post-ABC poll finds, September 5, 2021, https://www.washingtonpost.com/politics/post-abc-poll-coronavirus/2021/09/04/94add942-0cde-11ec-aea1-42a8138f132a_story.html.

engagement of their workforce more difficult.² In addition, nearly 9 in 10 large employers said their workers would quit if the mandates went into effect.

President Biden's September 9 Executive Order, and the subsequent guidance from the Safer Federal Workforce Task Force, requires all parties that contract or subcontract with the federal government be vaccinated against COVID-19. The forthcoming ETS from OSHA similarly has not gone through the traditional notice and comment period due to the nature of the ETS rulemaking process. From my understanding, the millions of contractors, subcontractors, and their employees have had little to no ability to comment on these rules, nor have they been able to have their most basic questions regarding this mandate answered by the Administration. Therefore, I urgently request the Committee hold a public hearing so that Congress can hear the full impact of these mandates. Kansas labor union rank-and-file members, including members of the International Brotherhood of Electrical Workers, have specifically expressed interest in an opportunity to share their thoughts and concerns with Members of this Committee.

As a physician and policymaker, I also urge you to recognize federal vaccination mandates' consequences in medicine. The doctor-patient relationship is sacred, earned through trust and education, and it is balanced with local and state policies for the safety of public health. Overall, like everything in our democracy, the foundation for this relationship is based on freedom of choice. It has never been the role for Washington bureaucrats to take a heavy hand and tread on these rights. Instead, the federal government has historically been successful in providing a supportive role in approving safe and effective medicine as well as publishing patient-centered guidance that evidence medical necessity – principles the current Administration has lost sight of.

Thank you for your commitment on advancing bipartisan legislation that will build on lessons learned from the pandemic to better prepare for future public health emergencies. I applaud your leadership in providing Congressional oversight of the federal agencies. Given the above, I hope you will give Kansan workers and labor unions a public platform to share their concerns, and for the Committee to take swift action. I look forward to your timely response to this request.

Sincerely,

A handwritten signature in blue ink that reads "R. W. Marshall". The signature is fluid and cursive.

Roger Marshall, M.D.
U.S. Senator

² Society for Human Resource Management, SHRM Surveys Reveal Employers' Anxiety Over Vaccine Mandate, October 18, 2021, <https://www.shrm.org/about-shrm/press-room/press-releases/pages/shrm-surveys-reveal-employers%E2%80%99-anxiety-over-vaccine-mandate.aspx>.