



December 6, 2021

The Honorable James S. Frederick
Occupational Safety and Health Administration
U.S. Department of Labor
200 Constitution Ave. NW
Washington, DC 20210

Re: COVID-19 Vaccination and Testing; Emergency Temporary Standard

Dear Acting Assistant Secretary Frederick:

Thank you for the opportunity to provide comments on the Emergency Temporary Standard (ETS) regarding COVID-19 Vaccination and Testing.

The American Lung Association is the oldest voluntary public health association in the United States, representing the millions of individuals living with lung diseases, and many of our patients have lung conditions that put them at moderately to significantly higher risk for severe illness from COVID-19. The Lung Association is the leading organization working to save lives by improving lung health and preventing lung disease through research, education and advocacy.

Widespread vaccination is essential to protect workers and the broader public from COVID-19 and ultimately to end the COVID-19 pandemic. The Lung Association strongly supports this ETS for employers with more than 100 workers to adopt a COVID-19 vaccination requirement or instead implement a policy requiring employees to get regular COVID-19 testing and wear a face covering at work if they are not vaccinated. We also urge OSHA to move ahead with adopting a final standard as soon as possible.

Emergency Temporary Standard

OSHA provides a strong rationale for the need for this ETS, and the current data on the COVID-19 pandemic continue to support that case. From November 20 to 26, the United States averaged 73,962 new COVID-19 cases per day and 742 deaths from COVID-19 per day.¹ Additionally, during the same time period, 41,422 patients were hospitalized with COVID-19, with hospitals in some states struggling to meet demand for care.^{2,3} Reports of the Omicron variant have reinforced the continued risk that COVID-19 will present as long as significant parts of the world's population are not vaccinated, allowing new variants to continue to emerge.⁴

Workplaces – including schools, services and sales industries, construction sites, meat-processing facilities and others – have been the sources of numerous COVID-19 outbreaks.⁵ COVID-19 vaccines are safe and effective. These vaccines reduce the risk of contracting COVID-19 and of spreading the virus, as well as appearing to shorten the period that people with breakthrough infections are infectious.⁶ COVID-19 vaccines also greatly reduce the risk of hospitalization and death.⁷ Vaccines are an essential tool to limit the spread of COVID-19 within workplaces, protecting the health of individual employees as well as their coworkers.

Many employers have already led the way in implementing COVID-19 vaccination policies and seen meaningful increases in vaccination rates as a result of these actions.⁸ In August 2021, the Lung Association announced that our organization would require employees to get vaccinated against COVID-19, and we urged other organizations to adopt vaccination policies as well.⁹

The ETS provides an option for employers to adopt a policy that permits employees to undergo regular COVID-19 testing and wear a face covering at work in lieu of vaccination. While this alternative is not as protective as a mandatory vaccination policy, it protects workers more than no requirement at all. The Lung Association believes the ETS is appropriately structured to protect workers by strongly encouraging vaccination.

The benefits of the ETS for workers' health could not be clearer; as proposed, OSHA estimates that the ETS will prevent more than 250,000 hospitalizations and 6,500 deaths over the next six months alone.¹⁰ The Lung Association strongly supports the ETS and urges OSHA to move forward with the current implementation date of January 4.

Addressing Barriers to Vaccination

Employers have an important role to play in supporting employees in getting vaccinated. The Lung Association was pleased to see that the ETS requires employers to provide at least 4 hours of paid leave for vaccination and "reasonable time and paid leave" to recover from side effects. Employers can also support employees in obtaining vaccinations by setting up on-site vaccination clinics, providing transportation to alternative vaccination sites and implementing other policies that address potential barriers to vaccination.

The ETS specifically asks about educational materials to encourage employees to become vaccinated. Providing workers with factual information from trusted sources about COVID-19 vaccines will be critical to facilitating vaccine uptake. The Lung Association developed the Better for It Vaccine Toolkit Series to offer trusted resources on the benefits and importance of immunizations, particularly in communities disproportionately affected COVID-19.¹¹ The six toolkits – for Black, Latino, Chinese, Korean and Indigenous communities, as well as the general population – provide opportunities for individuals and communities to fact check and supplement their own research on vaccines; encourage a dialogue among friends, healthcare providers, pastors and family members; share accurate information on social media; and learn about and understand the contributions of scientists and public health advocates who are helping to bring this pandemic to an end.

Final Standard

The Lung Association urges OSHA to adopt a final standard as soon as possible that, at a minimum, includes the policies protective of workers' health included in the current ETS. OSHA specifically asks for comment on whether to address smaller employers in the future. The Lung Association believes that the same public health rationale for adopting a vaccination policy for employers with more than 100 workers applies to employers with fewer than 100 workers. We encourage OSHA to include employers with fewer than 100 workers in the final policy, if feasible.

Conclusion

The American Lung Association is committed to slowing the spread of and defeating COVID-19 by sharing science-based information to help the public stay informed about the safety and availability of COVID-19 vaccines and supporting public policies like the ETS that encourage vaccination. Thank you for the opportunity to provide comments on this important issue.

Sincerely,



Harold P. Wimmer
National President and CEO

¹ Centers for Disease Control and Prevention. COVID Data Tracker. Accessed Nov. 29, 2021. Available at: <https://covid.cdc.gov/covid-data-tracker/#datatracker-home>.

² New York Times. Covid-19 Surge Strains Michigan's Hospitals. Nov. 21, 2021. Available at: <https://www.nytimes.com/2021/11/21/world/michigan-covid-surge.html>.

³ New York Times. Colorado Hospitals are Nearly Full as the State Battles a Growing Caseload. Nov. 3, 2021. Available at: <https://www.nytimes.com/2021/11/03/us/colorado-hospitals.html>.

⁴ New York Times. The W.H.O Says Omicron Poses a "Very High" Risk, as Questions Remain. Nov. 29, 2021. Available at: <https://www.nytimes.com/live/2021/11/29/world/omicron-variant-covid#the-who-says-omicron-poses-a-very-high-risk-globally>.

⁵ World Health Organization. Update 64—COVID-19 Prevention at the Workplace. July 28, 2021. Available at: <https://www.who.int/publications/m/item/update-64-covid-19-prevention-at-the-workplace>.

⁶ Centers for Disease Control and Prevention. Benefits of Getting a COVID-19 Vaccine. Nov. 29, 2021. Available at: <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/vaccine-benefits.html>.

⁷ Centers for Disease Control and Prevention. Science Brief: COVID-19 Vaccines and Vaccination. Sept. 15, 2021. Available at: <https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/fully-vaccinated-people.html>.

⁸ Forbes. Covid-19 Vaccine Mandates Are Working—Here's The Proof. Oct. 4, 2021. Available at: <https://www.forbes.com/sites/tommybeer/2021/10/04/covid-19-vaccine-mandates-are-working-heres-the-proof/?sh=45f6a2392305>.

⁹ American Lung Association. American Lung Association Joins Employers Requiring COVID-19 Vaccine for Employees. Aug. 11, 2021. Available at: <https://www.lung.org/media/press-releases/lung-association-requiring-covid-19-vaccine>.

¹⁰ Occupational Safety and Health Administration. COVID-19 Vaccination And Testing; Emergency Temporary Standard. Nov. 5, 2021. Available at: <https://www.govinfo.gov/content/pkg/FR-2021-11-05/pdf/2021-23643.pdf>.

¹¹ American Lung Association. COVID-19 Vaccine Toolkits. Accessed Nov. 29, 2021. Available at: <https://www.lung.org/lung-health-diseases/lung-disease-lookup/covid-19/action-initiative/vaccine-toolkit>.