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# United States Senate

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October 4, 2021

The Honorable Scott Ketcham  
Director of the Occupational Safety and Health Administration  
Occupational Safety and Health Administration  
200 Constitution Ave., N.W.  
Washington, D.C., 20210

Dear Director Ketcham:

I write today following President Biden's announcement that the Occupational Safety and Health Administration (OSHA) has been directed to develop a rule to require employers with one hundred and more employees to mandate vaccines or administer weekly COVID-19 tests. I have long been supportive of vaccinations against COVID-19. However, this act of federal overreach not only takes the decision making out of the hands of individuals and their doctors, it has caused widespread confusion in the business community. This confusion has been compounded by a lack of communication from the Biden Administration as the Administration has not offered any additional details to the public since the rule was announced over three weeks ago.

As you know, employers across the country are already facing incredible challenges due to workforce shortages, inflated costs of raw materials, and continued financial uncertainty. As employers await the announcement of this OSHA rule, they are unable to plan for budget adjustments as costs remain uncertain, including the potential for monetary fines if they are unable to comply by the rule's effective date and for providing employers with COVID-19 tests.

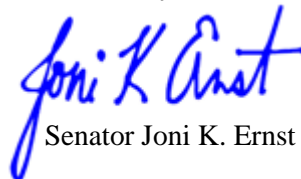
As OSHA works to develop this rule, I ask that the agency keep the finances of employers in mind, clearly communicate required measures to employers, and allow employers sufficient time to comply with this rule.

Additionally, I would like OSHA to provide answers to the following questions:

- Does OSHA plan to provide COVID-19 tests to employers, or will employers bear the financial burden of finding and providing weekly tests?
- Will there be testing exceptions for employees currently working from home?
- When will information about the expected effective date of the rule be made available to employers?
- What financial penalties should employers expect for noncompliance?

I appreciate your prompt reply.

Sincerely,



Senator Joni K. Ernst

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