



September 21, 2021

Ann Rosenthal
Senior Advisor
United States Department of Labor
Occupational Safety and Health Administration
200 Constitution Avenue, NW
Washington, DC 20210

RE: Proposed Emergency Temporary Standard on COVID-19 Employer Vaccine & Testing

Dear Ms. Rosenthal,

The American Building Materials Alliance (ABMA) represents independent lumber and building material dealers, manufacturers, wholesalers, distributors, and other associated businesses in sixteen states. Our members are very concerned with the proposed Emergency Temporary Standard (ETS) requiring all employers with 100 or more employees to ensure their workforce is fully vaccinated or require any workers who remain unvaccinated to produce a negative test result on at least a weekly basis before coming to work.

During the COVID-19 pandemic, ABMA members have diligently followed all state and federal guidelines protecting our customers and employees. We have and will continue to support all employees who chose to receive the vaccination. The proposed ETS will force many of our larger members into an unfortunate position with their staff and will have a negative impact on their business moving forward.

The ETS process itself does not allow for public comment from regulated parties prior to becoming effective. OSHA must demonstrate a "grave danger" to validate the need for ETS. To date, we are unaware of any compelling scientific study that shows an increased probability of contracting the COVID-19 virus in the workplace.

This proposed vaccine requirement will intensify the current workforce shortage facing the lumber and building materials (LBM) industry. Mandating the vaccine will undoubtedly force some employees to vacate their position to protect their right of choice on the vaccination.

The unknown nature of the ETS creates numerous unanswered questions that will not be addressed until a business is forced to immediately comply with the issued rule. These questions include, but are not limited to:

- Will employees who do not comply be subject to termination?
- Will those employees be eligible for unemployment?
- Will employees be exempted for religious or medical reasons?
- How much time must be allowed for testing, to receive the vaccine, and to recover from any reactions?
- What types of tests will be accepted for non-vaccinated employees?
- Who will pay for the employee testing?
- Who will be paying for mandatory vaccination-related leave?
- How long must employers retain test results and vaccination status records?



info@abmalliance.org



585 N. Greenbush Rd., Rensselaer, NY 12144



abmalliance.org

- What effect will potential booster shots have on the vaccination requirement?
- How will fraudulent or forged documents be addressed?
- Will there be a reasonable grace period for initial compliance?
- How will potential testing shortages impact employer compliance?
- How will the ETS define the 100-employee threshold?
- How will employers and OSHA verify vaccination status?
- How will the ETS be enforced?
- How will violations be determined? Per workplace, per employee, per day, or a combination?

These questions represent just a sample of the confusion and uncertainty facing businesses across the country. ABMA members will continue to support our nation's efforts to eradicate the COVID-19 virus but feel strongly that these types of vaccine mandates are best left as a decision for each individual business, not from a government decree.

The ABMA staff and membership stand ready to discuss our concerns in greater detail and want to be a trusted resource prior to OSHA issuing any rule that will have a dramatic impact on the LBM industry, its employees, and its customers.

Thank you for your time and consideration of this most pressing and serious issue.

Sincerely,



Joe Cecarelli
ABMA Chair

Sincerely,



Ida Ross Hicks
ABMA Vice Chair

CC: Andy Levinson, Directorate of Standards & Guidance

