

United States Senate

October 26, 2021

The Honorable Joe Manchin
Chairman
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

The Honorable John Barrasso
Ranking Member
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Chairman Manchin and Ranking Member Barrasso,

I write today to request an urgent and immediate hearing in the Energy and Natural Resources 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 will have wide-reaching implications and they 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. These are the men and women who are building and maintaining the infrastructure needed to produce and transmit the energy Kansans require to run their daily lives. Their voices must be heard regarding the impact the mandate will have not only on individual freedoms but also on our nation's energy security.

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 electrical workers, law enforcement, bakers, machinists, and more, as well as a roundtable with business leaders. These labor associations contract with some of the largest employers across the state, and based on input from these Kansans, 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 We are currently entering the coming winter season with energy costs spiking to unreasonable highs, and the disruptions in the workplace caused by these mandates will only serve to further exacerbate the problems we are seeing in energy markets.

¹ https://www.washingtonpost.com/politics/post-abc-poll-coronavirus/2021/09/04/94add942-0cde-11ec-aea1-42a8138f132a_story.html.

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 these mandates 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.

Thank you for your commitment on advancing bipartisan legislation that will continue to ensure the resiliency of our electric grid and bolster our nation's energy security. 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, with the first letters of each name being capitalized and prominent.

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