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American Subcontractors Association (ASA) Applauds the Associated General Contractors (AGC) of America's Legal Challenge Against the Occupational Safety and Health Administration (OSHA)'s COVID Vaccine Mandate Emergency Temporary Standard (ETS)

Washington, D.C. – The American Subcontractors Association (ASA) issued the following statement regarding the Associated General Contractors (AGC) of America's legal challenge against the Occupational Safety and Health Administration (OSHA)'s COVID Vaccine Mandate Emergency Temporary Standard (ETS):

ASA applauds the AGC of America regarding their legal challenge against OSHA's COVID-19 Vaccine Mandate ETS, which will have significant implications for the construction industry's workforce, particularly since OSHA has generally characterized the construction industry as low risk. The AGC of America's petition filed in the U.S. Court of Appeals for the Fourth Circuit notes "that OSHA exceeded its statutory authority to promulgate an ETS, and it failed to comply with the Occupational Safety and Health Act." Additionally, this new standard will impact all construction companies with 100 or more employees by causing many of them to lose a substantial number of their workers to smaller companies, instead of leading to more people getting vaccinated in the industry.

From the outset of the pandemic, the construction industry has been at the forefront of efforts to protect construction employees from the virus. ASA, along with the Construction Industry Safety Coalition (CISC), developed a "COVID-19 Exposure Prevention Preparedness and Response Plan" in March of 2020, which we shared with OSHA.

Per the AGC of America, "sixty-four percent of construction workers are with firms that employ 99 or fewer people. With nearly 90 percent of construction firms reporting they are having a hard time filling positions, and many other sectors eager for workers, many vaccine-hesitant workers will have little difficulty finding career opportunities at the smaller firms that are not covered by the OSHA mandate."

ASA will continue to be at the forefront of efforts to protect construction employees from the virus. This standard, however, presents one of the greatest sources of risk to the construction industry because it is likely to exacerbate the skilled labor shortage currently facing an industry already experiencing increased material prices and supply chain uncertainties.

ABOUT THE AMERICAN SUBCONTRACTORS ASSOCIATION: The American Subcontractors Association (ASA), a trade association representing over 1,800 subcontractors and suppliers in the construction industry since 1966, works with our membership on improving the business environment in the construction industry, representing subcontractors at all branches of local, state and federal government.