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Media Contact: Glenn Lammi | glammi@wlf.org | 202-588-0302

In Victory For WLF, Supreme Court Stays OSHA Vaccine Mandate

(*NFIB v. OSHA*)

“The Supreme Court properly recognized that the Occupational Safety and Health Administration exceeded its statutory power.”

—John Masslon, WLF Senior Litigation Counsel

WASHINGTON, DC—The U.S. Supreme Court today stayed the Occupational Safety and Health Administration’s vaccine mandate. This outcome was a victory for Washington Legal Foundation, which filed an *amicus curiae* brief urging the Court to overturn a decision of the U.S. Court of Appeals for the Sixth Circuit, which allowed the vaccine mandate to take effect.

As WLF’s brief showed, OSHA’s vaccine mandate would have caused already skyrocketing prices to go even higher. Many of the supply-chain issues currently facing the transportation and retail industries are caused by a lack of workers. These workers are unwilling to either get vaccinated or bear the costs of frequent COVID testing. This showed how the public interest favored granting a stay pending final action by the Supreme Court.

WLF’s brief also explained why the applicants are likely to succeed on their challenge to the mandate because the Occupational Safety and Health Act, together with case law, makes clear that an emergency temporary standard is inappropriate when issued more than seventeen months after the danger arises. OSHA should have used the normal notice-and-comment rulemaking process to issue the mandate. WLF now urges the Sixth Circuit to act quickly and vacate the emergency temporary standard and end this nationwide nightmare.

Celebrating its 45th year, WLF is America’s premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.

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