

GOVERNMENT

NRF sues to review US COVID-19 vaccine mandate

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The NRF is suing the federal government over the COVID-19 vaccine mandate. Image credit: National Retail Federation

By LUXURY DAILY NEWS SERVICE

The National Retail Federation has joined multiple trade organizations in a lawsuit against the federal government's mandate on COVID-19 vaccinations.

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The lawsuit was filed on Nov. 9 against the Occupational Safety and Health Administration (OSHA), which published an Emergency Temporary Standard (ETS) requiring employers with 100 or more employees implement and enforce a mandatory COVID-19 vaccination or weekly testing policy. The trade associations are arguing that the policies are burdensome to employers, particularly amid the holiday rush.

"We are deeply concerned about the timing for implementing the OSHA vaccine mandate during the most important season of the year for retailers and customers," said Matthew Shay, president/CEO of the **NRF**, in a statement.

"Our members are already facing workforce shortages and supply chain disruptions, in addition to the legal and practical challenges of implementing this ETS during the holiday season."

Mandate disagreements

While President Joe Biden instructed OSHA to issue the mandate through an executive order in September ([see story](#)), the government agency did not release the official ETS until Nov. 5.

Under the emergency order, employers must provide proof of employee vaccination status by Dec. 6 and begin testing unvaccinated workers by Jan. 4.

The NRF has appealed to the White House to extend these deadlines, with initial turnaround times of 30 and 60 days, to 90 days and 120 days, respectively. The group has also questioned the timing of the ETS ([see story](#)).



The NRF argues vaccination and testing requirements are burdensome to retailers. Image credit: National Retail Federation

"We have consistently and repeatedly communicated our concerns about the practical challenges of meeting those arbitrary targets," Mr. Shay said. "However, it appears that our only remaining course of action is to petition for judicial relief."

The lawsuit was filed in the U.S Court of Appeals for the Fifth Circuit, which has jurisdiction in Texas, Mississippi and Louisiana.

Other petitioners joining the NRF include the American Trucking Associations, FMI - The Food Industry Association, the International Warehouse Logistics Association, the Association for Convenience & Fuel Retailing, the National Association of Wholesaler-Distributors and the National Federation of Independent Business.

Several businesses and states have also filed lawsuits against the vaccination mandate.

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