

# **Biden administration to withdraw COVID-19 vaccination and testing regulation aimed at large businesses**

(CNN) The Biden administration is withdrawing its COVID-19 vaccination and testing regulation aimed at large businesses, following the Supreme Court's decision to block the rule earlier this month.

The US Department of Labor's Occupational Safety and Health Administration said Tuesday it will be withdrawing the vaccination and testing emergency temporary standard for businesses with 100 or more employees, according to a statement on the agency's website.

"Although OSHA is withdrawing the vaccination and testing ETS as an enforceable emergency temporary standard, the agency is not withdrawing the ETS as a proposed rule. The agency is prioritizing its resources to focus on finalizing a permanent COVID-19 Healthcare Standard," the statement read.

The withdrawal of the emergency temporary standard "does not affect the ETS's continuing status as a proposed rule," a US Department of Labor spokesperson told CNN in a statement.

"OSHA is evaluating the record and the evolving course of the pandemic. OSHA has made no determinations at this time about when or if it will finalize a Vaccination and Testing rule. The agency intends to work expeditiously to issue a final standard that will protect healthcare workers from COVID-19 hazards," the spokesperson added.

The decision comes less than two weeks after the Supreme Court blocked the rule, dealing a major blow to President Joe Biden's attempts to use the power of the federal government to combat the COVID-19 pandemic. OSHA's regulation required businesses with 100 or more employees to ensure their workers are fully vaccinated or undergo regular testing and wear face coverings at work.

“After evaluating the Court’s decision, OSHA is withdrawing the Vaccination and Testing ETS as an enforceable emergency temporary standard,” OSHA wrote in a document set to be published in the Federal Register.

“OSHA strongly encourages vaccination of workers against the continuing dangers posed by COVID-19 in the workplace,” the agency also noted in its statement Tuesday.

The withdrawal will be effective Wednesday, according to OSHA’s statement.

The President has emphasized the necessity of getting vaccinated against the virus for months and eventually decided to use the mandate on large employers as his main vehicle for convincing hesitant Americans to get their shots.

In freezing a lower court opinion that allowed the regulation to go into effect nationwide, the Supreme Court majority sent a clear message that OSHA, charged with protecting workplace safety, had overstepped its authority. In contrast, the justices said that a separate agency could issue a rule to protect the health and safety of Medicare and Medicaid patients.

The rule would have affected some 80 million individuals. There would have been exceptions for those with religious objections.

The court allowed the vaccine policy rolled out in November by the US Department of Health and Human Services’ Centers for Medicare & Medicaid Services to take effect. It sought to require the COVID-19 vaccine for certain health care workers at hospitals, nursing homes and other facilities that participate in Medicare and Medicaid programs.

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This story has been updated with additional reporting.

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