

## **Amicus Briefs in Support of the CMS and OSHA Rules: Signers and Briefs**

Leading medical and public health groups including the American Medical Association and American Public Health Association, former HHS, CMS, and OSHA officials, 30 deans of leading academic programs, and 126 leading public health and health policy scholars have filed briefs demonstrating both the clear public health need for the OSHA and CMS rules and the flaws in the partisan legal cases seeking to strike down these vaccine requirements.

### **CMS Vaccine Mandate Case**

#### **Amicus Brief From Former Secretaries Of Health And Human Services, Administrators Of The Centers For Medicare And Medicaid Services, And Other Former Federal Health Officials.**

“Staff-to-staff transmission has been identified as a significant cause of COVID-19 infection. In addition to the threat to health care workers who become infected, transmission among health care workers increases the risk to patients, and also requires all exposed individuals to quarantine—reducing available staff at a time when health care providers are already stretched to, and often beyond, their capacity to serve patients due to the increase in COVID-19 cases...The strong consensus view of expert medical organizations is that best way to protect patients, health care workers, and the nation’s health care system is for health care workers to be vaccinated against COVID-19.”

[\[12/21\]](#)

#### *Signers:*

- Donald M. Berwick  
Administor  
Centers for Medicare and Medicaid Services  
2010-2011
- Sylvia M. Burwell  
Secretary of Health and Human Services  
2014-2017
- Margaret A. Hamburg  
Commissioner  
Food and Drug Administration  
2009-2015
- Tom Scully  
Administrator  
Centers for Medicare and Medicaid Services  
2001-2004

- Kathleen Sebelius  
Secretary of Health and Human Services  
2009-2014
- Donna Shalala  
Secretary of Health and Human Services  
1993-2001
- Andrew M. Slavitt  
Acting Administrator  
Centers for Medicare and Medicaid Services  
2015-2017
- Bruce C. Vladeck  
Administrator  
Health Care Financing Administration  
(Predecessor of Centers for Medicare and Medicaid Services)  
1993-1997

**Amicus Brief From American Public Health Association, Association Of American Medical Colleges, 22 Deans Of Leading Academic Programs, And 126 Leading Public Health And Health Policy Scholars.**

“[T]he overwhelming public-health and scientific consensus supports the need to mandate vaccination of eligible staff at Medicaid and Medicare facilities to protect Medicare and Medicaid patients, as well as the healthcare workers who provide them care....well-established evidence, buttressed by more recent, cutting-edge empirical studies during the pandemic, shows that vaccination can effectively reduce SARS-CoV-2 exposure and transmission in healthcare settings.” [\[12/23/21\]](#)

*Partial List of Signers:*

- Adnan A. Hyder, MD, MPH, PhD  
Senior Associate Dean for Research, Professor, Department of Global Health, Director, Center on Commercial Determinants of Health, Milken Institute School of Public Health, The George Washington University
- Amy Lauren Fairchild, PhD, MPH  
Dean and Professor of Health Services Management and Policy, College of Public Health, The Ohio State University
- Ana V. Diez Roux, MD, PhD, MPH  
Dana and David Dornsife Dean, Dornsife School of Public Health, Drexel University

- Ayman El-Mohandes, MBBCh, MD, MPH, Dean, CUNY Graduate School of Public Health & Health Policy
- Lynn R. Goldman, MD, MPH, MS  
Michael and Lori Milken Dean of Public Health, Professor, Environmental and Occupational Health, Milken Institute School of Public Health, The George Washington University

**Solicitor General Elizabeth B. Prelogar’s Reply In Support Of Applications For Stays.**

“The remaining considerations overwhelmingly favor granting a stay to allow the rule to protect Medicare and Medicaid patients while the appeals are pending. The preliminary injunctions were imposed right as the highly transmissible Omicron variant emerged and at the beginning of the winter holiday season, with its predictable increases in travel and indoor social gatherings. The explosion in COVID-19 cases that has resulted from those developments has severely strained the Nation’s healthcare system and heightened the danger to vulnerable Medicare and Medicaid patients...it bears repeating that the rule has been challenged only by States, not any private facilities impacted by the rule -- or their workers, who may seek medical or religious exemptions. And the interests the States assert do not support the sweeping relief granted by the district courts.” [\[1/22\]](#)

**Amicus Brief From Service Employees International Union, American Federation Of Teachers, And American Federation Of State, County, And Municipal Employees.**

“Covid-19 vaccines are extraordinarily effective. One study estimated that the U.S.’s vaccination program had prevented more than 10.3 million hospitalizations, and more than 1.1 million additional deaths by November 2021. Without vaccines, daily deaths could have jumped to as high as 21,000 per day—more than 5.2 times the level of the record peak. As of October 2021, rates of hospitalization among unvaccinated adults were nearly 12 times the rates for fully vaccinated adults.” [\[12/22/21\]](#)

**Amicus Brief From Medical Groups.**

“Immediate, widespread vaccination against COVID-19 is the surest way to protect healthcare facility staff, patients, and the public, and to end this costly pandemic.” [\[12/21/21\]](#)

*Signers:*

- American Medical Association
- American College of Physicians
- American Academy of Family Physicians

- American Academy of Pediatrics
- Council of Specialty Medical Societies
- American Academy of Allergy, Asthma & Immunology
- American College of Chest Physicians
- American College of Medical Genetics and Genomics
- American Geriatrics Society
- American Psychiatric Association
- American Society for Clinical Pathology
- American Society of Hematology
- American Thoracic Society
- Society of General Internal Medicine
- Society of Interventional Radiology
- American Lung Association

### **OSHA Vaccine Or Test Case**

#### **Amicus Brief From Former OSHA Administrators.**

“OSHA [is authorized] to issue emergency temporary standards to protect employees from ‘grave danger’ resulting ‘from exposure to substances or agents determined to be toxic or physically harmful,’ and from ‘new hazards’...Toxic substances and physically harmful agents are rarely confined to workplaces, and OSHA, throughout its history, has acted to protect workers against workplace exposures to hazards that they may also encounter outside the worksite. ”

[\[12/22/21\]](#)

#### *Signers:*

- Gerard Scannell  
OSHA Administrator  
1989-1993
- Charles Jeffress  
OSHA Administrator  
1997-2001
- David Michaels  
OSHA Administrator  
2009-2016

**Amicus Brief From American Public Health Association, Association Of Schools And Programs Of Public Health, 12 Leading Public Health And Health Care Organizations, 30 Deans Of Leading Academic Programs, And 109 Leading Public Health And Health Policy Scholars.**

“The science is also clear about the best way to combat COVID-19’s spread—vaccines. All the evidence shows that vaccination significantly reduces the likelihood that workers will transmit COVID-19 and infect other workers, especially when combined with regular testing and other mitigation measures. And vaccination drastically reduces the chance of hospitalization and death. For these reasons, numerous employers have already imposed vaccine requirements, which have engendered widespread vaccination uptake and have consistently proven effective.” [\[12/30/21\]](#)

**Amicus Brief From Medical Groups.**

“The statistics on COVID-19 vaccine efficacy speak for themselves. No other measure has been shown to reduce the risk of infection, hospitalization, and death to the degree that vaccination does. The science is clear: no arguments against the need for vaccination are medically valid, other than to accommodate a medical contraindication.” [\[12/30/21\]](#)

*Signers:*

- The American Medical Association
- American College of Physicians
- American Academy of Family Physicians
- American Academy of Pediatrics, American College of Chest Physicians
- American College of Correctional Physicians, American College of Obstetricians and Gynecologists
- American Geriatrics Society
- American Medical Women’s Association
- American Psychiatric Association
- American Society for Clinical Pathology,
- American Society of Echocardiography
- American Society of Hematology
- American Thoracic Society
- Association of Academic Physiatriests
- American Lung Association

**Amicus Brief From Union Petitioners.**

“[T]he ETS is necessary to protect the workers they represent, and millions of others, from the grave danger COVID-19 currently poses in their workplaces....the ETS will

significantly reduce the devastating toll COVID-19 has had, and continues to have, on working families due to exposure in their workplaces...The public interest demands that OSHA's modest protections against these threats remain in place." [\[12/30/21\]](#)

*Signers:*

- American Federation of Labor & Congress of Industrial Organizations
- American Federation of Teachers Pennsylvania
- Massachusetts Building Trades Council
- Media Guild of the West
- The News Guild Communications Workers of America, Local 39213
- National Association of Broadcast Technicians – The Broadcasting & Cable Television Workers Section of the Communications Workers of America
- North America's Building Trades Unions; Service Employees International Union, Local 32BJ
- United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada
- United Food and Commercial Workers International Union; and Union of American Physicians and Dentists

**Amicus Brief From National Disability Rights Network And The Judge David L. Bazelon Center For Mental Health Law.**

“As our nation contends with the dual threat of a public health emergency and economic recession that have both had a disproportionate impact on persons with disabilities, it is incumbent upon the Court to consider how enjoining the ETS would exacerbate the historical exclusion and contemporary inequities that these communities have already faced in the workplace and in society at large.” [\[12/30/21\]](#)