



# Herbert H. Slatery III Attorney General & Reporter

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## **AG SLATERY FILES LAWSUIT CHALLENGING BIDEN ADMINISTRATION'S VACCINE MANDATE FOR PRIVATE SECTOR EMPLOYEES**

*Joins Seven-State Coalition Challenging OSHA's Authority to Issue Mandate*

**Nashville**— Attorney General Herbert H. Slatery III and six other attorneys general have filed a petition before the U.S. Court of Appeals for the Sixth Circuit challenging the Biden Administration's vaccine mandate for private sector employees. The coalition asks the court to review the emergency temporary standard issued by the Biden Administration's Occupational Safety and Health Administration (OSHA), which requires the vaccination of tens of millions of citizens.

"As we anticipated, the mandate asserts an unprecedented expansion of emergency regulatory powers by a federal agency," said General Slatery. "Its scope and breadth is only exceeded by its length (about 500 pages). It also fails to consider the many steps already taken to prevent the spread of COVID-19 by individuals, employers and our state."

Despite warnings from attorneys general across the country about the legality of a vaccine mandate, the Biden administration issued the emergency temporary standard through OSHA.

In their petition, the coalition challenges the legality of the Biden Administration's emergency temporary standard and asks the Sixth Circuit to review the validity of the mandate, arguing that OSHA lacks statutory and constitutional authority to issue it.

The coalition argues that the power to issue emergency temporary standards was delegated to OSHA by Congress for the express purpose of protecting employees from grave dangers posed by exposure to substances like physically harmful chemicals or asbestos encountered at work. However, that authority does not extend to risks that are equally prevalent at work and in society at large. Just last year, OSHA refused to issue a nationwide emergency temporary standard for COVID-19 because "COVID-19 is a community-wide hazard that is not unique to the workplace."

The coalition also contends that the Biden Administration's vaccine mandate prohibits sovereign states from enacting and enforcing their own policies in response to the COVID-19 pandemic. OSHA's mandate claims to take away that power from the states and attempts to prevent policymakers from enacting policies that are beneficial to their respective states.

The attorneys general ask the court to halt President Biden's vaccine mandate until the court rules on the legitimacy of the rule.



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General Slatery joined the lawsuit alongside attorneys general from Idaho, Kansas, Kentucky, Ohio, Oklahoma, and West Virginia.

View a copy of the filing here:

<https://www.tn.gov/content/dam/tn/attorneygeneral/documents/pr/2021/pr21-43-petition.pdf>

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