

BEFORE THE WABASH COUNTY COUNCIL

RESOLUTION NO. 2022-85-03

**A RESOLUTION OPPOSING PRESIDENT BIDEN'S ATTEMPT
TO MANDATE BUSINESSES TO REQUIRE WEEKLY TESTING OF
VACCINATION OF PEOPLE WHO HAVE NOT RECEIVED A COVID VACCINE**

President Biden has issued an order to the U.S. Department of Labor to issue an emergency temporary standard under the Occupational Safety and Health ("OSH") Act that would mandate private sector employers to require their employees to get a COVID-19 vaccination shot, submit to weekly testing, or be fired.

We acknowledge that vaccines have helped protect many of the citizens of Wabash County. However, we oppose the mandatory testing or vaccination requirements for all of the businesses and citizens residing in and/or employed in Wabash County.

Generally, we believe that any vaccination mandate constitutes a threat to individual liberty, and that each citizen should be entitled to decide for his or her self whether to be vaccinated, without coercion or fear of loss of employment.

We also believe that any vaccination mandate would be unconstitutional since it would be the result of a process that assumes the executive branch has complete discretion to regulate any matter related to the general health and safety of our citizens, when our Constitution vests legislative power in Congress alone.

Finally, we believe the use of an emergency temporary standard to issue a mandate cannot be justified under current circumstances for the following reasons:

- (a) The OSH Act requires a showing that employees are in *grave danger*. Since it is likely that most employees have either been vaccinated (significantly reducing the potential effects of COVID if contracted) or recovered from COVID-19 (and therefore have a natural level of immunity), it is not possible to show that such employees are exposed to "grave danger" from non-vaccinated employees

(b) The OSH Act also requires that the Mandate protect against a type of *substance, agent, or hazard* and is required for *occupational safety*. As used in the Act, those words relate to dangers presented in the job itself, i.e., work-related, such as chemicals used at job sites and tools used to carry out tasks. It does not refer COVID-19 is neither a substance, agent, or hazard as defined in the Act.

IT IS THEREFORE RESOLVED that all businesses and citizens in Wabash County, Indiana, are encouraged to seek every available legal option to avoid complying with the aforementioned order.

Adopted this 21 day of FEBRUARY, 2021.

WABASH COUNTY COUNCIL

Kyle M. Bower
Barbara Pearson
MAJ
Touisa Sweet
Matthew Meigs
Philip L. Dale

May

Attest:

Marcie Shepherd
Marcie Shepherd, Wabash County Auditor