

TO: NAW Direct Members

FR: NAW Government Relations Team

RE: NAW COVID/Government Relations Update Number 2021-12 – May 17 at 4:45 PM

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1. Latest on Interim Public Health Recommendations for Fully Vaccinated People

Late last week, the U.S. Centers for Disease Control and Prevention (CDC) issued new guidance for fully vaccinated people that stated, “fully vaccinated people no longer need to wear a mask or physically distance in any setting, except where required by federal, state, local, tribal, or territorial laws, rules, and regulations, including local business and workplace guidance.” This obviously created as much confusion for businesses as it clarified. However, today the Occupational Safety and Health Administration (OSHA) posted an update on its webpage that stated the agency is “reviewing the recent CDC guidance” and advised companies to “please refer to the CDC guidance for information on measures appropriate to protect fully vaccinated workers.”

It is anticipated that OSHA will update their guidance materials on their webpage, but it is unknown when exactly that will be completed. This update may be complicated by the fact that President Biden signed an executive order on January 21st directing OSHA to investigate drafting an Emergency Temporary Standard (ETS) regarding COVID-19. OSHA has now submitted an ETS to the White House, where it is being reviewed by the Office of Information and Regulatory Affairs. The contents of the ETS have not been publicly revealed, but it would be difficult to see how OSHA could propose a COVID-related emergency safety standard that did not include recommendations regarding wearing masks in the workplace.

There were already significant questions about the wisdom or necessity of OSHA imposing a new emergency COVID workplace safety rule at this stage in the pandemic when businesses are more than a year into making the accommodations necessary to ensure the safety of their workers. The new CDC mask guidance obviously reinforces questions about whether an ETS is needed, and there is speculation that OIRA could

simply shelve the new rule. However, there have been *no* signals from the Administration suggesting how OIRA will act.

Additionally, the U.S. Equal Employment Opportunity Commission updated their website stating that the agency is also considering the impact the updated CDC statement may have on EEOC guidance that has already been issued about COVID-19 policies and anti-discrimination laws.

We will of course keep you apprised of any further developments, official government guidance, or related employer resources on these issues.

You can view the CDC statement [HERE](#).

You can view the OSHA statement [HERE](#).

You can view the EEOC statement [HERE](#).

Additionally, you can view an article from *Bloomberg Government* about the current conundrum between the competing regulations and guidance [HERE](#).

2. Latest on Unemployment Insurance – Pandemic Benefit:

As you know, the April jobs report was very disappointing, with only 266,000 jobs created, well below the estimated one million. President Biden said in response that the pandemic unemployment benefit had no “measurable” impact on the low jobs number and that “people will come back to work if they are paid a decent wage.”

Employer comments in general and specific feedback we have received from NAW members all contradict the President’s assertions. And consistent with employer concerns about the pandemic UI benefit, as of this past weekend 16 states have either terminated the extra payment or initiated steps to do so. Similarly, about half the states have begun to reimpose the “work search” condition for UI eligibility, and the President has asked the Department of Labor to review working with other states to do so as well.

In response to these actions, proponents of the extra UI payment are making the case that the pandemic payment should *not* be terminated and that the work search requirement should not be re-instated. In a May 13th commentary, the Century Foundation described the actions of governors to end the pandemic payments as “dereliction of responsibility” and “an affront to the workers in these states.” And

yesterday the New York times ran a story noting that the work search requirement “presents an undue hardship.”

UI proponents use stories of specific individuals whom they argue would be harmed by reform of the UI program to make the case against any changes in the policy; and they dismiss claims that the UI benefits create a disincentive for returning to work.

We need to fight this battle in similar fashion and need specific examples of the UI benefit in fact making it difficult for employers to hire. Several NAW members have provided us with examples of job openings going unfilled, potential workers expressly turning down work because of the UI benefit, workers applying for work then not showing up for interviews or accepting jobs then not showing up for work. We have had the opportunity to share these stories (anonymously) with Senators and House members, who use our anecdotes to make the case for reform of the programs.

If you have similar anecdotal stories, please share them with us. They really do make a difference on Capitol Hill.

3. Latest on the Vaccine Distribution

NAW is actively involved in the vaccine distribution issue, working with member companies in a joint effort to get the government to involve the entire wholesale distribution industry.

State and Local Vaccine Distribution Tracker by *Little Law Firm*:

As with nearly everything about this pandemic, guidance and action plans vary by state and local jurisdictions and are constantly evolving. To that end, *Little Law Firm* provides links to state agency websites, vaccine allocation plans, and other guidance related to the rollout of COVID-19 vaccines, as well as basic vaccination plan phases. To see the latest updates, click [HERE](#).

Additional Vaccine Distribution Resources:

In a previous update, we included additional information and resources on vaccine distribution, which you can access [HERE](#).

4. Latest on the Economic Recovery and Re-Opening the Workplace

As the Coronavirus Pandemic continues to impact the United States economy and businesses across the nation, it can be hard to decipher how new regulations and laws may impact your business. To help you manage these issues NAW is providing information about reports, webinars, and seminars that you may find useful:

**Webinar from NAW and Distribution Strategy Group:
Don't Miss NAW's Free May 19 Webinar Focused on How Distributors Will Grow Faster Post-Pandemic**

The pandemic is nearly over and it's time for distributors to apply the lessons from the last 14 months so they can grow their businesses faster in the future. Join NAW and Distribution Strategy Group for our free webinar on May 19 at 2 p.m. ET. We surveyed distributors and we'll share what they told us about their sales in the pandemic and what they're forecasting for 2021, their work-from-home policy, how their website and digital tools performed, which digital capabilities they'll invest in, and much more. [Register here.](#)

**Webinar from *Little Law Firm*:
Returning to Work in Colorado: Considerations for Employers in Year Two of the Coronavirus**

Wednesday, June 2, 2021 | 9:00 am-9:45 am PDT

In the second year that employers grapple with the COVID-19 pandemic, Colorado's public health rules continue to rapidly evolve. Whether your employees have been remote since 2020 or have already returned to the worksite, there remain many rules, considerations, and best practices of which employers should be aware, including those relating to face coverings, vaccinations, social distancing, and paid sick leave. To register, click [HERE](#).

**From *Little Law Firm*: Game-Changer:
The CDC Lifts COVID-19 Masking and Distancing Restrictions for Fully Vaccinated Individuals**

On May 13, 2021, the Centers for Disease Control and Prevention (CDC) [announced](#) that Americans who have been fully vaccinated against COVID-19 no longer need to wear a face covering or practice physically distancing in any setting. This announcement builds on the CDC's April 27 guidance that fully vaccinated individuals

could forgo face coverings and physical distancing in outdoor settings and resume other activities. To read more, click [HERE](#).

Stateside Associates publishes a daily report about State and Local Government responses to the evolving situation. To read their latest report, click [HERE](#).

We are also providing a link to a spreadsheet that includes state and local COVID-19 response information provided by **MultiState Associates**. To view their spreadsheet, click [HERE](#).

[Click here](#) for links to **UPDATES** sent previously.

Many thanks—

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