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U.S. Department of Labor  
Occupational Safety and Health Administration (OSHA)  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210

Re: COVID-19 Vaccination and Testing; Emergency Temporary Standard;  
Docket number OSHA-2021-0007

To whom it may concern:

Alliance Defending Freedom submits this comment in opposition to the proposal at docket number OSHA-2021-0007, COVID-19 Vaccination and Testing; Emergency Temporary Standard, to make that standard permanent in any way. Instead, the agency should immediately withdraw the ETS and this proposal due to its fatal legal flaws. Attached please find documents describing those flaws, including the decision by the United States Supreme Court in *National Federation of Independent Business v. Department of Labor*, Nos. 21A244 and 21A247, 595 U.S. \_\_\_\_ (Jan. 13, 2022), and briefs submitted by petitioners in *The Southern Baptist Theological Seminary v. Department of Labor*, No. 21A246 (U.S.), and *Bentkey Services, LLC, d/b/a The Daily Wire v. Department of Labor*, No. 21A260 (U.S.).

In short, the proposed standard violates religious liberty, exceeds the agency's authority under OSHA's statutes, and runs afoul of other constitutional protections. Furthermore, any narrower standard the agency may be considering was not set forth in sufficient detail in the proposed rule to allow the public to comment, nor did it consider crucial recent data concerning the Omicron variant. Therefore no standard can be lawfully finalized as a logical outgrowth of the ETS.

Alliance Defending Freedom submits this comment on behalf of itself and the following organizations: The Southern Baptist Theological Seminary, Sioux Falls Catholic Schools d/b/a Bishop O'Gorman Catholic Schools, The King's Academy, Cambridge Christian School, Home School Legal Defense Association, Inc., Christian Employers Alliance, and Bentkey Services, LLC, d/b/a The Daily Wire.

Respectfully submitted,

Matthew S. Bowman