



UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
ONE LAFAYETTE CENTRE
1120 20TH STREET, N.W. – NINTH FLOOR
WASHINGTON, DC 20036-3457

OFFICE OF THE CHAIRMAN

November 18, 2021

Sharon Block, Acting OIRA Administrator
Office of Management and Budget
Washington, D.C.
<https://www.ROCIS.gov>

Re: Paperwork Reduction Act; Emergency Justification Letter

Dear Acting Administrator Block:

On behalf of the Occupational Safety and Health Review Commission, I am requesting emergency clearance under 5 C.F.R. § 1320.13 for the collection of information through the agency's form that allows a Federal employee to request a medical exception to the COVID-19 vaccination requirement set forth in Executive Order 14043, "Requiring Coronavirus Disease 2019 Vaccination for Federal Employees" (Sept. 9, 2021). Specifically, I am requesting that this form be approved without publication of the 60-day and 30-day notices in the *Federal Register*.

The Occupational Safety and Health Review Commission is an independent adjudicatory agency created by the Occupational Safety and Health Act of 1970. The sole statutory mandate is to serve as an administrative court providing fair and expeditious resolution of disputes involving the Occupational Safety and Health Administration (OSHA), employers charged with violations of federal safety and health standards, and employees and/or their representatives. The Review Commission was created by Congress as an agency completely independent of the Department of Labor to ensure that OSHA's enforcement actions are carried out in accordance with the law and that parties are accorded due process.

Emergency clearance of our agency's medical exception form is necessary to allow our agency to timely process any medical exception requests to the COVID-19 vaccination requirement. This is essential to our agency's mission, in that disruption to the work of any employee requesting an exception would, in turn, undermine the agency's ability to meet our mission and function at an optimal level.

The COVID-19 pandemic in general and, more specifically, President Biden's executive order mandating vaccination of Federal employees were both unanticipated events for which the Review Commission could not have planned. Moreover, if the Review Commission were to use normal clearance procedures, it is likely that any request for a medical exception to the COVID-19 vaccination requirement would not be processed by November 22, 2021, the date by which all federal employees are required to be fully vaccinated. For this reason, I request that the collection of information be approved as soon as possible.

The Review Commission has reached out to its employees through email to explain the requirements of Executive Order 14043, including that there may be limited circumstances in

which employees are entitled to an exception to the vaccine mandate and that medical information will need to be provided with respect to an employee's vaccination status. In addition, through the Review Commission's recently published system-of-records notice on reasonable accommodation records, employees have been made aware of the specific information elements the agency's medical exception form will collect.

For your review, I am submitting the medical exception form that will be used to collect information from employees, the recently published system-of-records notice that will cover this form, and a supporting statement explaining the cost and burden associated with this collection of information.

Sincerely,

A handwritten signature in black ink that reads "Cynthia L. Attwood". The signature is written in a cursive style with a large initial 'C' and a long, sweeping underline.

Cynthia L. Attwood
Chair, Occupational Safety and Health Review Commission
Lead, COVID-19 Team