

November 2, 2021

The Honorable Jay Inslee
Office of the Governor
P.O. Box 40007
Olympia, Washington 98504

Dear Governor Inslee,

The Washington Retail Association (WR) works on behalf of more than 4,500 storefronts in every corner of Washington State. These businesses serve their communities and create employment for more than 400,000 people. WR appreciates the deliberate, focused, and ongoing efforts undertaken in Washington State to protect against the spread of COVID-19.

On September 9, 2021, President Biden announced that OSHA would promulgate a new emergency temporary standard (ETS) requiring employers with 100 employees or more to ensure their workers are vaccinated against COVID-19 or tested weekly. We understand OSHA will release the ETS soon and that the state has 30 days to promulgate an ETS that is equivalent to or at a higher standard than the federal standard.

WR believes Washington State should refrain from deviating from the OSHA’s ETS and, if possible, build in flexibility in the timeframe for implementing the emergency standards. Data on COVID-19 case counts and vaccinations rates in Washington State show there is no need to make these standards more stringent. Indeed, allowing flexibility in implementation – and refraining from tightening the standards – will assist consumers, small and large retailers, and workers during the critical 2021 holiday season. With ongoing supply chain disruptions, retailers and consumers already face significant challenges as they prepare for the holidays.

1. New COVID-19 infections are declining, and the rate of vaccinations is increasing.

Washington State’s COVID-19 case counts are declining rapidly. On September 7, two days before President Biden’s announcement, Washington’s daily case count peaked at 4,422. By October 21, however, the daily case count declined 58% to 1,944 cases. Modeling indicates that case counts will continue falling at a rapid rate.

Additionally, the Washington State Department of Health reports that, as of October 25, 78.6% of Washingtonians age 12 and older have received at least one dose of COVID-19 vaccine, and 72.5% of people age 12 and older are fully vaccinated ([COVID-19 Data Dashboard :: Washington State Department of Health](#)).

The rate of vaccinations is expected to increase as the newly approved vaccine protocol for younger children is implemented across Washington State.



2. Adding new mandates for employee vaccinations will unnecessarily harm smaller retailers and consumers, particularly in the important 2021 holiday season.

The National Retail Federation is forecasting an 8.5 percent to 10.5 percent increase in holiday sales compared to 2020. Although supply chain issues may impede some product deliveries, retailers are moving forward with plans to hire new staff and increase their ability to serve the needs of their customers.

Small and large retailers have been willing and active partners in the fight against the spread of COVID-19 throughout the pandemic. These businesses require customers and employees to mask up, social distancing is practiced in all businesses, heightened sanitation practices are practiced, and plexiglass or other barriers are installed to protect customers and employees. Retailers are also at the forefront of the vaccination effort by providing financial incentives, information and access to vaccination locations, and paid time off to ensure retail employees have ample opportunity to get vaccinated.

These efforts have worked. Only 7.4% of all reported outbreaks of COVID-19 outside of health care locations are attributed to retail settings ([Statewide COVID-19 Outbreak Report \(wa.gov\)](#)).

Accordingly, WR urges Washington State to refrain from lowering the number of employees from the threshold included in OSHA's ETS. WR also believes that the option for weekly testing is an important feature. What works for one retailer might be unworkable in another retailer's setting and, indeed, may inadvertently harm smaller retailers that are critical to the fabric of our communities. What works for a larger retailer with many employees will not likely work for a smaller retailer with only a handful of employees. Unlike other sectors, retail settings provide little opportunity for accommodation through alternative workflow or remote working.

As the important 2021 holiday season approaches, WR urges uniformity with the new OSHA ETS and urges Washington State to adopt as much flexibility as possible in implementing new OSHA vaccine mandates. Doing so will enable our members to provide jobs, serve their customers and provide for their communities.

Thank you for your consideration.



Renée Sunde
President and CEO
Washington Retail Association

CC: Jamila Thomas, Chief of Staff; Drew Shirk, Executive Director, Legislative Affairs; Nick Streuli, Executive Director, External Affairs