



THE WSW REPORT

Special Report: COVID-19 Vaccine Update

December 10, 2021

Increasing Vaccination Numbers

Sixty percent of the U.S. population, nearly 200 million people, are fully vaccinated against COVID-19. CDC [data](#) shows that vaccination rates have ticked higher since the discovery of the Omicron variant. Specifically:

- 71% of the entire U.S. population has received at least one vaccine dose
- 64% of those over 5 years old are fully vaccinated, as are 72% of all adults
- 23% of people, roughly 47 million, in the U.S. have had a booster shot

News reports indicate that much of the increase is happening because vaccinated people are getting boosters, not because of a surge in unvaccinated people seeking their first shots. While the Delta variant is still the dominant strain in the U.S., the looming Omicron variant has the potential to significantly encourage more vaccinations and boosters.

CDC Director Rachel Walensky noted, “While we are still working to understand the severity of Omicron, as well as how it responds to therapeutics and vaccines, we anticipate that all of the same measures will at least in part provide some protection against Omicron.” This is reflected in early [reports](#) from Pfizer Inc.-BioNTech that its vaccine neutralized the Omicron variant and raised antibodies 25-fold in initial lab studies, offering reassurance that the current formulations will protect against the variant. Even so, the drugmakers said they’re still working on an Omicron-specific version of the vaccine, which they plan to have ready by March 2022.

Administration’s Efforts to Combat Omicron

Starkly different approaches to address the Omicron variant worldwide create a sharp contrast between approaches to vaccination. While some European countries are doubling down on pressure campaigns to get people vaccinated, mandate opponents in the U.S. continue to wage war – often successfully – against vaccine mandates.

Biden Plan

With the coming onset of winter coinciding with the emergence of the Omicron COVID-19 variant, on December 2, the Biden Administration announced a [9-Point Plan](#), adding additional protective steps against COVID-19. Unlike previous efforts, the plan does not include shutdowns or lockdowns, and is designed to allow the economy to continue to grow. The plan includes:

- Boosters for All Adults
- Vaccinations to Protect Our Kids and Keep Our Schools Open
- Expanding Free At-Home Testing for Americans
- Stronger Public Health Protocols for Safe International Travel
- Protections in Workplaces to Keep Our Economy Open
- Rapid Response Teams to Help Battle Rising Cases
- Supplying Treatment Pills to Help Prevent Hospitalizations and Death
- Continued Commitment to Global Vaccination Efforts
- Steps to Ensure We Are Prepared for All Scenarios

Vaccination

Vaccinations continue to be the key strategy of the plan and is designed to encourage adults to get booster doses. The CDC recently strengthened their recommendation that all individuals 16 and older receive a booster and opened new family clinics to ensure that children are vaccinated and that adults receive booster doses.

Travel Restrictions

The Administration has [restricted travel](#) from eight African countries where the Omicron variant is spreading. The European Union, Canada, United Kingdom, and Israel have announced travel restrictions from these countries as well. As of December 6, there are additional pre-departure protocols for all inbound international travelers coming into the U.S., including requiring all inbound international travelers to test for COVID-19 within one day of departure, regardless of nationality or vaccination status. Additionally, the mask requirement for travelers on planes, trains, and public transportation is extended until March 18.

Testing

The Biden Administration's plan also makes at-home rapid tests accessible and requires the cost of at-home COVID-19 tests to be covered by private insurers via reimbursement, although the actual method of reimbursement has not been made clear. The Departments of Health and Human Services, Labor, and the Treasury will issue guidance by January 15, 2022. Additionally, the plan calls for expanding community distribution of free at-home tests through neighborhood sites such as health centers and rural clinics.

Workplace

The Administration continues to call upon businesses to move forward with requiring employees to get vaccinated or tested weekly, and to follow the federal government's lead and provide paid time off to their employees to get boosted. Workplace screening would remain consistent with current guidance.

What is “Fully Vaccinated”?

Who is “fully vaccinated” against COVID-19 – and who is not – is starting to get a lot more complicated. While the question needs to be answered, Dr. Anthony Fauci remarked that rather than make definitive statements now, only to have to revise them later, public officials should acknowledge uncertainty as the details of an ideal vaccination schedule are still being worked out.

In the meantime, the CDC still says you are covered two weeks after your single-dose vaccine or your second dose in a two-dose series. Dr. Fauci noted, “For the time being, the official definition of ‘fully vaccinated’ is two,” although that determination could change as we learn more about the Omicron variant.

This isn’t just a discussion of semantics; the CDC’s definition matters for how states refine vaccine mandates and requirements for travel, dining, and other indoor activities. Even the phrase “fully vaccinated” can shape the public’s imagination in ways that can affect their response to public health interventions and signal an end in sight to the pandemic.

The Latest on Vaccine Mandates

Vaccine mandates among businesses have increased in recent months, but just four percent of unvaccinated adults said they have left a job because their employer required them to get a coronavirus vaccine. However, opponents across the country have tried to weaken vaccine requirements, which they decry as government overreach. So far, courts have appeared sympathetic and have put all three of President Biden’s private-sector vaccine mandates on hold. Here are the details.

Private employers with 100+ employees: OSHA Emergency Temporary Standard (ETS) Vaccine Mandate (*Link to OSHA ETS information available [here](#).*)

On November 12, the U.S. Court of Appeals for the Fifth Circuit granted a motion to stay OSHA’s COVID-19 Vaccination and Testing ETS. OSHA has suspended activities related to the implementation and enforcement of the ETS pending future developments in the litigation.

On December 8, two Senate Democrats defected and voted with all 50 Republicans to roll back the Administration’s OSHA ETS through a Congressional Review Act (CRA) resolution. While

the CRA resolution likely won't pass the House, and the Administration said Biden would veto such a measure if it got to his desk, the Senate vote allowed Democratic Sens. Joe Manchin of West Virginia and Jon Tester of Montana to send a message to the White House that some Democrats are still concerned about crossing big business.

Healthcare workers: CMS Interim Final Rule (IFR) requiring COVID-19 vaccinations for workers in healthcare settings that participate in Medicare and Medicaid (*Link to CMS IFR information available [here](#).*)

Last week, a federal district court in Louisiana issued a preliminary injunction placing a temporary hold on enforcement of the mandate in all states except the ten that were already covered by a Missouri court's earlier preliminary injunction. CMS has announced that it will not enforce its COVID-19 vaccine mandate for healthcare workers and has suspended activities related to implementation and enforcement of the IFR pending future developments in the litigation. CMS also said surveyors must not survey healthcare providers for compliance with the rule's requirements while these preliminary injunctions are in effect.

Federal contractors: Guidance for Federal Contractors and Subcontractors (*Link to Guidance for Federal Contractors and Subcontractors available [here](#).*)

On December 7, a federal judge in Georgia temporarily halted the Biden Administration's COVID-19 vaccine mandate for federal contractors across the country. U.S. District Judge R. Stan Baker, an appointee of former President Trump, issued a nationwide preliminary injunction against the mandate because it oversteps the Administration's authority by acting as "a regulation of public health" and placing a heavy economic toll on employers and workers.

Federal employees: Safer Federal Workforce Task Force guidance (*Link to Safer Federal Workforce Task Force guidance available [here](#).*)

November 22nd was the deadline for federal workers to be in compliance with the vaccine mandate; however, the White House said that federal employees who have not yet received a dose of a COVID-19 vaccine and are not awaiting a decision on a requested exemption will not face job loss until after the holiday season. Further, the White House noted that 92% of the federal workforce is vaccinated and more than 95% are compliant with the mandate.

Conflicting State and Federal Mandates

- [Red States Have Limited Options for Fighting Biden's Vaccine Rules](#)
- [Conflicting federal, state COVID-19 vaccine requirements have hospitals trapped in noncompliance](#)

- [How are Businesses to Navigate the Conflicting Federal Vaccine Mandates and State Bans on Such Mandates?](#)

Vaccines for Kids 5-11

On November 2, the Centers for Disease Control and Prevention (CDC) recommended Pfizer's COVID-19 vaccine for children ages 5-11, making the U.S. one of the first countries to do so. Additional information can be found [here](#). As of December 5, approximately 4.8 million children, ages 5-11, have received at least one COVID-19 vaccine dose. However, just over one month into the pediatric vaccination effort, the rate of increase appears to already be leveling off. This suggests that eager parents and caregivers, who make vaccination decisions for children, have already come forward. [Polling](#) has found that two-thirds of parents say they will wait and see or won't get their child vaccinated against COVID-19 at all, and this next phase of the vaccination effort will likely be much harder.

Further Reading

- **December 3: “Truckers Worry Biden’s Vaccine Mandate Will Impact U.S. Supply Chain,”** *Inside Health Policy*: “Some in the trucking industry are breathing a sigh of relief now that President Joe Biden’s employer vaccine mandate has been temporarily put on hold by the Fifth Circuit, as industry representatives had argued the mandate could cause truck driver shortages that could in turn delay vaccine shipments.” – [Full Article](#)
- **December 2: “States offer jobless aid to workers fired over employer vaccine requirement,”** *CBS News*: “Four Republican-led states have changed their unemployment insurance rules to protect workers who oppose vaccination requirements by ensuring that they can collect jobless aid. As of this month, Florida, Iowa, Kansas and Tennessee have each amended their laws around unemployment insurance.” – [Full Article](#)