November 17, 2021

***Via Electronic Filing – www.regulations.gov***

The Honorable Douglas Parker

Assistant Secretary for Occupational Safety and Health

Occupational Safety and Health Administration

United States Department of Labor

200 Constitution Ave NW

Washington, DC 20210

**RE: COVID–19 Vaccination and Testing; Emergency Temporary Standard, (OSHA–2021–0007; RIN 1218–AD42)**

Dear Assistant Secretary Parker:

The National Association of Convenience Stores (“NACS”), NATSO, Representing America’s Travel Centers and Truckstops, and SIGMA: America’s Leading Fuel Marketers, (together, the “Associations”) respectfully submit this request for a comment period extension in response to the Occupational Safety and Health Administration’s (“OSHA’s” or the “Agency’s”) emergency temporary standard on COVID-19 vaccination and testing (“ETS” or the “Rule”).[[1]](#footnote-1) The ETS will have far-reaching consequences beyond the laudable objective of moving past the COVID-19 pandemic. Because of the expansive nature of the ETS, the Associations respectfully request an extension of the comment period to allow for full consideration of the Rule’s potential impacts.

By way of background, NACS is an international trade association representing the convenience store industry with more than 2,200 retail and 1,600 supplier companies as members, the majority of whom are based in the United States. NATSO currently represents more than 4,000 travel plazas and truck stops nationwide, comprised of both national chains and small, independent locations. SIGMA represents a diverse membership of approximately 260 independent chain retailers and marketers of motor fuel. Collectively, the Associations represent over 2.3 million employees and are responsible for approximately 90 percent of the motor fuel sold in the United States.

Because the Associations play such a significant role in the country’s supply chain, implementing vaccine and testing standards as onerous as the ones in the ETS has the potential to further disrupt the supply chain. The ETS will exacerbate employee retention challenges. Workers, who would rather quit their job than receive the COVID-19 vaccine, will migrate to employers with fewer than 100 employees or the unemployment rolls. That mass exodus will complicate already fragile labor markets and create challenges for many businesses that are currently struggling to remain open. If the Associations’ members were to lose additional employees on top of the current labor shortage, they could be forced to shutter locations and/or leave retail fuel outlets with limited fuel supply.

As such, the Associations respectfully request an extension of the brief comment period for the Rule. It is critical that OSHA provide stakeholders with sufficient time to thoroughly review the Rule and its potential impacts on the workforce and the supply chain. The extended time will allow the Associations to survey our members and therefore better inform the Agency of rulemaking’s impacts. The Associations therefore ask that you provide an additional 60 days to the comment period, extending it into early February.

NACS, NATSO, and SIGMA, representing fuel retailers, travel centers, convenience stores, and marketers across the country, look forward to working with OSHA to ensure a safe workplace. Thank you for the opportunity to provide this request.

Sincerely,



David H. Fialkov Doug Kantor

Executive Vice President, Government Affairs General Counsel

NATSO, Representing America’s Travel National Association of Convenience

Centers and Truck Stops Stores

SIGMA: America's Leading Fuel Marketers

1. Department of Labor, Occupational Safety and Health Administration, *COVID–19 Vaccination and Testing; Emergency Temporary Standard*, 86 Fed. Reg. 212 (Nov. 5, 2021) *available at* <https://www.govinfo.gov/content/pkg/FR-2021-11-05/pdf/2021-23643.pdf> [hereinafter “ETS”]. [↑](#footnote-ref-1)