
Leading Disability Rights Organizations Urge Supreme Court to Protect Federal COVID-19 Vaccination Policies

WASHINGTON, D.C. – December 30, 2021 – Disability rights organizations asked the Supreme Court today for permission to file a friend-of-the-court brief in support of federal COVID-19 vaccination policies. The brief joins a growing chorus of groups writing in support of workplace vaccination-or-test standards, and argues that the policies are necessary to prevent the exclusion of millions of Americans living with medical conditions and disabilities from meaningful participation in the workforce.

The organizations—the National Disability Rights Network (“NDRN”) and the David L. Bazelon Center for Mental Health Law (“Bazelon Center”)—represent the interests of individuals who live with certain medical conditions or disabilities that render them especially vulnerable to the effects of COVID-19 infection in the workplace, including those living with cancer, heart disease, diabetes, and intellectual and physical disabilities.

They write in support of the “life-saving measures” found in the Occupational Safety and Health Administration’s (“OSHA”) emergency temporary standard (“ETS”), which requires employers with 100 or more employees to implement a vaccine or test-and-mask policy for workers. The brief critiques groups who oppose the vaccine measures as displaying apathy toward the country’s most vulnerable workers, and embracing dangerous, “Darwinistic social policies [that] masquerad[e] as non-interventionism.”

“These policies will protect persons living with disabilities from the ‘grave danger’ contemplated in the Occupational Safety and Health Act,” said Ira Burnim, Legal Director of the Bazelon Center. “COVID-19 has proven far more lethal to those living with disabilities. These individuals are just as entitled to workplace health and safety, and to the benefits that come from steady, predictable employment.”

“One in four U.S. adults live with a disability, and millions of Americans are immunocompromised,” said Curt Decker, Executive Director of NDRN. “We must protect their right to work, to be economically self-sufficient, and to be gainfully employed. These policies are critical low-effort, low-cost regulations that employers can adopt to ensure that all of their workers can come to the workplace without fearing for their life or liberty.”

On December 17, 2021, the Sixth Circuit Court of Appeals [dissolved a stay](#) of the ETS. Certain applicants then rushed to the Supreme Court to reinstate the stay—which is opposed by proposed amici disability rights organizations. The briefing is occurring on

an expedited basis, and the Supreme Court has scheduled oral argument for Friday, January 7, 2022.

The organizations are represented by Pollock Cohen LLP, and join numerous other organizations that have filed before the Supreme Court in support of federal COVID-19 policies, including former OSHA Administrators, the Constitutional Accountability Center, and the American Medical Association.

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The National Disability Rights Network is the nonprofit membership organization for the federally mandated Protection and Advocacy (“P&A”) Systems and the Client Assistance Programs (“CAP”) for individuals with disabilities. Collectively, the P&A/CAP Network is the largest provider of legally based advocacy services to people with disabilities in the United States. To learn more, visit www.ndrn.org.

The Bazelon Center for Mental Health Law is a national legal advocacy organization protecting and advancing the rights of people with mental disabilities. The Center promotes laws and policies that enable adults and children with mental disabilities to live independently in their own homes, schools, and communities, and to enjoy the same opportunities that everyone else does. To learn more, visit www.bazelon.org.

Pollock Cohen LLP is a small, mission-driven law firm that focuses on four areas: whistleblower litigation, public impact litigation, appeals, and class actions. Pollock Cohen is proud to represent proposed amici in this matter pro bono.

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To read Pollock Cohen LLP's brief and the OSHA's Emergency Temporary Standard, click on the links to the right.