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ASSOCIATION

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CONSTRUCTION ASSOCIATION AND TWO OF ITS CHAPTERS FILE SUIT TO BLOCK THE BIDEN ADMINISTRATION'S VACCINE MANDATE FOR FEDERAL CONTRACTORS
The Associated General Contractors of America, along with Two of its Texas-based Chapters, Requests a Temporary Restraining Order, Noting Federal Contractors are Already Being Harmed by the Mandate

The Associated General Contractors of America and two of its chapters, the Dallas-based TEXO chapter of the association, and the statewide AGC of Texas chapter, filed [suit](#) today in federal court to block the Biden administration's effort to impose a COVID-19 vaccine mandate on federal contractors and subcontractors. The groups noted that many of their members that regularly construct federal projects and are already being harmed, as key employees leave for other jobs in the industry to avoid the strict federal mandate.

"We are as eager as anyone to see more construction workers become fully vaccinated," said Stephen E. Sandherr, the association's chief executive officer. "But imposing a strict mandate on a small sector of the construction industry will only drive vaccine-hesitant workers out of that sector, and to one of the many other sectors also desperate for more workers."

With nearly half of the construction workforce estimated to be vaccine-hesitant, and 89 percent of construction firms struggling to fill open positions, the new federal contractor mandate will encourage many workers to leave federal contractors for other companies, association officials noted. Instead of boosting vaccination rates within the workforce, the new mandate will leave federal construction projects struggling to reach completion on time and within budget. Nearly 15 percent of the federal contractors and subcontractors among the association's members report they have already lost workers because of the new mandate.

The association's filing includes a [motion](#) for a temporary restraining order and [statements](#) from a number of contractors detailing the damages they have already begun to experience because of the new federal contractor vaccine mandate. That mandate is different from the broader vaccine mandate that the Occupational Safety and Health Administration has sought to impose on all firms that employ 100 or more people. That rule gives workers the option to be tested weekly, instead of being vaccinated. The association [filed](#) a legal challenge against that "emergency" OSHA standard in November.

"The federal contractor vaccine mandate is unlikely to increase vaccination rates among construction workers, but it will make it much harder for federal contractors to complete projects," Sandherr noted. "Making federal construction slower, harder and more expensive won't improve federal procurement or public health."

Sandherr added that even as the association challenges the administration's two coronavirus vaccine mandates, it continues to work to encourage all construction workers to get vaccinated. The association recently released a series of [public service ads](#) featuring construction workers who almost died from the virus urging their peers to get vaccinated. The association has been urging its members to show the videos to all their workers and is also placing ads featured the videos in key construction markets. The association also created a [vaccine toolkit](#) for the industry.

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