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April 19, 2021

VIA EMAIL AND FEDEX

Charlotte A. Burrows, Chair
Jocelyn Samuels, Vice Chair
Janet Dhillon, Commissioner
Andrea R. Lucas, Commissioner
Keith E. Sonderling, Commissioner
U.S. Equal Employment Opportunity Commission
131 M Street, NE
Washington, DC 20507
info@eoc.gov

Re: *Clarification of EEOC's Guidance Regarding Vaccine Mandates Under
Emergency Use Authorization*

Dear Chair Burrows, Vice Chair Samuels, and Commissioners Dhillon, Lucas, and Sonderling:

We write again on behalf of Informed Consent Action Network to seek acknowledgement and response to our previous letter dated March 17, 2021 regarding the EEOC's guidance, dated December 16, 2020, titled: "What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws" (the "**Guidance**").¹

ICAN assumes that the EEOC does not dispute that, as explained in our letter, the federal law governing emergency use authorization, 21 U.S.C. §360bbb-3, requires that all individuals be given the option to refuse administration of a COVID-19 vaccine. We request a response to our prior letter by close of business on Friday, April 23, 2021. ICAN will otherwise be releasing guidance to the public and advising that the EEOC did not dispute that a product in use pursuant to emergency use authorization may not be mandated.

Very truly yours,



Aaron Siri, Esq.
Elizabeth A. Brehm, Esq.
Dawn Orlacchio, Esq.

¹ See <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>.