



Sununu Hails SCOTUS Ruling Blocking OSHA’s Vax Mandate

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New Hampshire Gov. Chris Sununu today praised the U.S. Supreme Court’s ruling shutting the Biden administration’s attempts to use a workplace regulatory agency to enforce a COVID vaccine mandate on private businesses.

However, the court permitted the vaccine rule to be imposed on healthcare workers at institutions that receive Medicare or Medicaid funding, unless those employees have medical or religious exemptions.

“I would like to thank the Supreme Court for listening to the countless businesses across our state that would have faced catastrophic workforce shortages had this mandate gone through,” said Sununu. “I am as pro-vaccine as they come, but today’s decision to halt the president’s overreaching vaccine mandate is good news for employees and the businesses that keep our supply chains running and economy open.”

New Hampshire was one of 27 states that sued the Biden administration in various venues over its attempts to use the Occupational Safety and Hazard Administration (OSHA) to impose mandates on employers with 100 or more workers. The mandates, which required employees to either be vaccinated or undergo regular testing, would have affected 84 million workers.

OSHA issued its mandate in November, parts of which— including a mask mandate for unvaccinated workers — were scheduled to take effect this week.

Biden’s Chief of Staff Ron Klain re-tweeted a statement calling the OSHA rule “the ultimate workaround for the federal government to require vaccination,” a point noted by the court during its oral arguments last week. Klain’s attitude fed suspicions among some legal observers that the White House’s decision to issue the OSHA order is just the latest example of the Biden administration issuing a policy they know is unlikely to survive legal scrutiny for the sake of political messaging.

For example, when Biden issued a federal moratorium on evictions last August, he admitted, “The bulk of the constitutional scholars say it’s not likely to pass constitutional muster.” The Supreme Court swiftly struck it down.

It only took a week for the Supreme Court to do the same with the OSHA mandate, once it reached the high court. “Under the law as it stands today, that power [to regulate the pandemic] rests with the states and Congress, not OSHA,” Justice Neil Gorsuch said Thursday.

“By blocking the OSHA mandate, the Supreme Court showed that it’s possible to take statutory limits on federal power seriously, not just constitutional ones,” said Ilya Shapiro, director of the Robert A. Levy Center for Constitutional Studies at the Cato Institute. “After all, even if we accept federal regulation of workplace safety as constitutional, there’s a difference between occupational risk and the general risk of living in a pandemic.”

New Hampshire Republicans have largely fallen in line with Sununu’s “Yes to vax, no to mandates” policy. State GOP legislators hailed the ruling as well.

“The Supreme Court confirmed what we already knew: the Biden vaccine mandate was a vast government overreach that reeked of despotism,” said House Majority Leader Jason Osborne (R-Auburn). “House Republicans have stood firmly against this assault on personal freedoms.”

It’s not just Republicans. While both Sens. Maggie Hassan and Jeanne Shaheen cast votes in support of the federal mandates, their fellow Democrat Rep. Chris Sununu, who likely faces an uphill reelection fight in a newly-drawn First Congressional District, broke with his party on the issue.

After Thursday’s ruling, Pappas released a statement reiterating his opposition to the mandates.

“I repeatedly expressed my concerns for small businesses as the Biden administration developed this standard, and I led a bipartisan call in the House opposing the requirement in its current form given the confusion and economic hardship it would have caused employers and workers,” Pappas said. “I continue to urge the administration to revise its approach so that we do not place unworkable or unnecessarily burdensome requirements on businesses who are still struggling to recover from the ongoing pandemic.”

Granite State business owners breathed a sigh of relief.

“The vaccine mandate was a giant overreach by the administration and the exact reason our Founders created the judicial branch to keep the executive branch in check,” said Tom Boucher, CEO of Great NH Restaurants.

In a new Scott Rasmussen poll, 55 percent of voters said they know a business that can’t find all the workers it needs.

“I’m proud that New Hampshire has one of the nation’s highest vaccination rates,” said Senate Majority Leader Jeb Bradley (R-Wolfeboro). “But firing people in the middle of a workforce crisis who don’t adhere to an unconstitutional federal mandate is not the answer.”