



March 23, 2022

The Honorable Assembly Member Wicks
Members of the Assembly Committee on Labor and Employment
State Capitol,
Sacramento, CA 95814

Dear Assembly Member Wicks:

RE: Oppose AB 1993 (Wicks): Employment: COVID-19 vaccination requirements.

Dear Assembly Member Wicks and Members of the Assembly Committee on Labor and Employment:

On behalf of A Voice for Choice Advocacy (AVFCA), I am regret to inform you that we oppose AB 1993. AVFCA advocates for people's rights to be fully informed about the composition, quality, and short- and long-term health effects of all products that go into people's bodies, such as food, water, air, pharmaceuticals, and cosmetics, and have a choice as to whether to ingest, inject or use them.

AB 1993 would require an employer to require each person who is an employee or independent contractor, and who is eligible to receive the COVID-19 vaccine, to show proof to the employer, or an authorized agent thereof, that the person has been vaccinated against COVID-19.

Our concerns with AB 1993 are as follows:

- **The bill is arbitrary:** There is no scientific evidence that requiring the COVID-19 vaccine of all employees in California will reduce infection, transmission or severity of cases and number of deaths within the workplace or the local community. The future of COVID-19 and the efficacy of the vaccines on future variants is unknown.
- **The outcome of the bill will not prevent COVID-19 infection or transmission:** Available vaccines were not designed to stop the transmission of COVID-19, greatly evidenced by the omicron variant's infection and transmission among fully vaccinated persons.
- **The outcome of the bill will not protect employees and the community:** Again available vaccines do not prevent transmission, and so vaccinating employees will not affect COVID-19 rates in the community.
- **The bill does not account for natural immunity:** Over 20% of Californians have tested positive with COVID-19, and many more likely have unknowingly had asymptomatic COVID-19. According to a new report from the U.S. Centers for Disease Control and Prevention (<https://www.cdc.gov/mmwr/volumes/71/wr/mm7104e1.htm>) natural immunity was six times stronger during the delta wave than vaccination. While there is no conclusive data available yet, omicron infection may provide even greater immunity via infection because it apparently infects the cells differently.



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- **The bill does not account for employees or independent contractors who work remotely or from home:** California law cannot apply to employees or independent contractors who are not located in the state of California and should not apply to anyone who is not physically working in a workplace in California.
- **The bill creates undue burden on employers:** The California workforce is already stretched beyond capacity with local businesses struggling to stay operational, due to staff shortages. Adding a vaccine requirement which would restrict about 25% of employees who are unvaccinated (or significantly more if boosters are required) from working, would cripple employers, as we have seen in places such as Santa Clara which has required boosters of all healthcare workers, causing significant staff shortages. (<https://www.mercurynews.com/2022/01/26/in-a-joint-letter-six-unions-from-across-county-sectors-say-booster-mandate-will-harm-staffing/>). Employers should not be burdened with collecting private medical data, and enforcing such a law for their employees or independent contractors.
- **The bill discriminates on race and income:** COVID-19 vaccine uptake is lower among lower income, and ethnically diverse families, largely due to government mistrust. These communities have also been disproportionately affected by the virus, which means those communities could now be disproportionately armed with naturally-acquired immunity. Preventing these employees from working would put these individuals and their families at an even greater disadvantage than they are already at.
- **The bill needs to ensure equity is given to those with medical, disability and/or religious beliefs:** Per the Title VII of the Civil Rights Act, employers must offer exemptions to those with medical, disability and/or religious beliefs, with reasonable accommodations (<https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>). While most employers have been accepting exemptions, there is a wide diversity in reasonable accommodations offered. Employers in California are likely to see a significant increase in legal suits because they are unaware that, unlike federal laws which excuse employers from providing religious accommodations if the business would suffer "minimal hardship", in California, an employer must prove that the religious accommodation in question causes a "significant difficulty or expense" to the business. This cannot be hypothetical. It must be based in fact.
- **The bill is never ending:** While there is a sunset clause, employers must continue to require that all employees and contractors are vaccinated against COVID-19 until the CDC "determines that COVID-19 vaccinations are no longer necessary for the health and safety of individuals". It is improbable that the CDC will at any time make such a determination and therefore AB 1993's mandate would effectively be infinite.
- **The bill is unnecessary:** The Local County Public Health Officers have the statutory ability to require take any and all actions they deem necessary if there is a threat of an endemic. Over the past two years different parts of California have been affected by COVID-19 at different times and to varying degrees. Given the continued uncertainty of



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what COVID-19 and COVID-19 vaccines hold for the future, legislation is not needed at this time.

Worldwide, and in California, COVID-19 is transitioning from a pandemic to an endemic, and the World Health Organization has warned against immune system overload with continued COVID-19 boosters (<https://www.who.int/news/item/11-01-2022-interim-statement-on-covid-19-vaccines-in-the-context-of-the-circulation-of-the-omicron-sars-cov-2-variant-from-the-who-technical-advisory-group-on-covid-19-vaccine-composition>).

The key question A Voice for Choice Advocacy has and everyone should be asking is “What is the purpose of AB 1993 and is the bill language narrowly tailored to that goal?” We do not believe it is.

We ask you to oppose AB 1993 and NOT to allow it to pass through the Assembly Committee on Labor and Employment.

Thank you for your time and consideration. Please feel free to contact me if you have any questions.

Sincerely,

Christina Hildebrand

Christina Hildebrand,

President,

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Giving issues a voice, A Voice for Choice Advocacy advocates for people’s rights to be fully informed about the composition, quality, and short- and long-term health effects of all products that go into people’s bodies, such as food, water, air, pharmaceuticals and cosmetics.

CC: Megan Lane, Chief Consultant, Assembly Committee on Labor and Employment

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