



Written by [Bob Adelman](#) on November 16, 2021

OSHA to Use “Whistleblowers” to Enforce Biden Vaccine Mandate

The Occupational and Safety Administration (OSHA) has fewer than 2,000 enforcers to cover the estimated seven million businesses employing 84 million workers impacted by Biden’s vaccine mandate. Doing the math, Michael Maharrey, the Communications Director for the Tenth Amendment Center, [calculated](#) “it would take them 160 years to inspect every business ... just one time. That’s why [OSHA] will have to rely on snitches to have any hope of enforcing the vaccine mandate.”



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[That’s exactly what OSHA plans to do.](#)

OSHA’s former chief of staff, Debbie Berkowitz, admits that “there is no army of OSHA inspectors that is going to be knocking on employers’ doors, or even calling them. They’re going to rely on workers ... to file complaints.”

They’re also going to be doing “spot checks” of businesses, and when one is found to be in violation, it will be headline news in order to keep other businesses in line.

Call them betrayers, canaries, snitches, squealers, stool pigeons, or whistleblowers, this is the weak link in OSHA’s enforcement chain. As Maharrey noted, “Here’s the dirty little secret they don’t want you to know: partnerships and ‘team efforts’ don’t work when half the team quits.”

For the moment, at least, OSHA has “suspended activities related to the implementation and enforcement of the ETS [emergency temporary standard] pending future developments in the litigation.” The Fifth Circuit issued a temporary injunction against OSHA, and then reaffirmed it on Friday.

Today a lottery will take place to determine where all the challenges that have been brought against OSHA by multiple states in 11 of the 12 circuit courts will be resolved. Federal law requires that when “multiple petitions for review of a single agency’s order are filed in at least two courts of appeal” a lottery must take place to determine which court will adjudicate the matter.

The Federalist, No. 46, written by “Publius” (James Madison), directly addresses the issue: What happens if the court rules that OSHA does in fact have the authority to enforce Biden’s vaccine mandate?

He wrote:

The ultimate authority ... resides in the people alone....

[When] the members of the federal government will be dependent on the members of the



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state government [for enforcement] ... the state governments must clearly have the advantage....

Twenty-seven state governments have already brought lawsuits against OSHA. As Madison noted:

Should an unwarrantable measure of the federal government be unpopular in a particular state ... the means of opposition to it are powerful and at hand. The disquietude of the people, their repugnance and perhaps refusal to co-operate with the officers of the [federal government] ... would form ... very serious impediments, and where the sentiments of several adjoining states happened to be in unison, would present obstructions which the federal government would hardly be willing to encounter.

That is how the author of the Constitution, looking ahead 230 years to today, would handle the problem of OSHA: Just say no. Even if the courts say OSHA is legitimate, and its ETS is legal, those 27 states could still just say no.

As Maharrey wrote: "If employees refuse to tell on their coworkers and employers, and if states refuse to help enforce the vaccine mandates, the vaccine mandates won't be enforced."



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