



August 25th, 2021 Sent via email

Los Angeles City Council
Council President Nury Martinez
200 North Spring Street
Los Angeles, CA 90012

**RE: VAX UP LA/ Covid 19 Vaccination Requirement Eligible Indoor Spaces
Including Retail (Council File 21-0878)**

Dear Council President Martinez and Fellow Councilmembers:

On behalf of the Southern CA Coalition for Occupational Safety & Health (SoCalCOSH) I want to express our support for your leadership regarding the above referenced council action. The Southern California Coalition for Occupational Safety & Health (SoCalCOSH) advocates for safe, healthy, and secure jobs for all workers, and aims to disrupt the root causes of work-related injuries, illnesses, and fatalities. We build worker power through coalition building with over 50 unions and worker centers in Southern California, direct action, and education & leadership development. The organization is founded on the principle that workplace injuries, illnesses, and deaths are preventable. As you know grocery and retail workers have been deemed essential workers during this Covid 19 pandemic, they continue to experiencing some of the highest rates of infection. On top of this they have been subject to anti-maskers and anti-vaxxers, lack of on-site testing and social distancing, poor contact tracing, low staffing, and increased violence and theft. Just a couple weeks ago, a Rite Aid worker was tragically shot and killed while a customer tried to steal beer. This is unconscionable and unsustainable as we seek to recover from the devastation of the pandemic.

Therefore, we strongly recommend that this ordinance include a well-trained, full time health and safety officer for each retail establishment. It is impossible for retail workers to maintain the store inside and enforce the vaccine requirement outside. Too often companies push the burden of enforcement onto their employees who are already understaffed. For example, in the City of West Hollywood an employee is assigned to each grocery store to enforce Covid 19 protocols including the mask mandate.¹ A similar policy requirement can be included in this ordinance. The health and safety officer could enforce the vaccine and mask mandate and any other Covid 19 orders. This position could also be another source of protection for workers and customers and monitor suspicious activity entering the retail establishment. A designated person, a health and safety officer could save the lives of thousands of Angelenos as we navigate the unprecedented nature of this pandemic.

We strongly encourage the Los Angeles City Council to do everything to make this policy successful through strong enforcement. Retail companies must be part of the solution and staff their stores accordingly. During this crucial moment in the pandemic, Los Angeles should continue to lead and set precedent for other cities and counties to follow.

Thank you.

Alice Berliner, Director

Southern CA Coalition for Occupational Safety & Health



As CLUE, we educate, organize, and mobilize the faith community to accompany workers and their families in their struggle for good jobs, dignity, and justice.

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Dear Council President Martinez and Fellow Councilmembers:

On behalf of Clergy and Laity United for Economic Justice (CLUE), I want to express our support for your leadership regarding the above referenced council action. For 25 years, CLUE has walked with low-wage workers, immigrants, and communities of color in their fight for dignity and justice. We have a deep understanding of the struggles that keep our communities marginalized. For this reason, we are proud to support these vaccine requirements.

As you know, grocery and retail workers have been deemed essential workers during this Covid 19 pandemic, and they continue to experience some of the highest rates of infection. On top of this, they have been subject to anti-maskers and anti-vaxxers, lack of on-site testing and social distancing, poor contact tracing, low staffing, and increased violence and theft. Just a couple of weeks ago, a Rite Aid worker was tragically shot and killed while a customer tried to steal beer. This is unconscionable and unsustainable as we attempt to recover from the devastation of the pandemic.

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Thank you for your consideration.

Michelle M. Seyler

Executive Director
Clergy and Laity United for Economic Justice

Fwd: Public comments/vaccination status

1 message

Office of the City Clerk <cityclerk@lacity.org>

Wed, Aug 25, 2021 at 3:04 PM

To: City Clerk Council and Public Services <clerk.cps@lacity.org>

----- Forwarded message -----

From: **Pam williams** <pamwilliamshope@gmail.com>

Date: Wed, Aug 25, 2021 at 3:02 PM

Subject: Public comments/vaccination status

To: <cityclerk@lacity.org>

I am an individual who has a medical exemption from the vaccination and fall under the American Disabilities Act. However I completely disapprove of this illegal behavior. There are so many people who are willing to join a class action suit if need be to stop this. The mandate violates the ninth amendment, tenth amendment (States must follow federal law and the Constitution) and fourteenth amendment. It doesn't matter whether it's a bar, restaurant or movie theater this blatant discrimination cannot move forward. It also violates The Unruh Civil Rights Act and CA owns Health Laws HEALTH AND SAFETY CODE - HSC DIVISION 20. MISCELLANEOUS HEALTH AND SAFETY PROVISIONS [24000 - 26250] (Division 20 enacted by Stats. 1939, Ch. 60.) CHAPTER 1.3. Human Experimentation [24170 - 24179.5] (Chapter 1.3 added by Stats. 1978, Ch. 360.) section E. There is also the data privacy issues that come to play.

Not allowing unvaccinated individuals into an establishment violates the 14th amendment, by openly denying access and service to unvaccinated individuals without a right to due process. It also violates the 10th amendment. There is no federal mandate for vaccination. For Federal employees they either get vaccinated or submit to weekly testing. However they are not denied a job or terminated based on vaccination status alone. States are to follow federal law or the constitution which supersedes state law. This mandate will create "separate but equal" and perpetuate Jim Crow South laws. Furthermore the LA City Council are not being transparent to the public as to the fact individuals with medical exemptions to the COVID19 vaccine HAVE TO BE PERMITTED in the establishment - if not that violates the American Disability Act. According to ADA you cannot discriminate against those that have a medical exemption. Denying entry to an unvaccinated individual who has proof of exemption without providing reasonable accommodations is illegal.

As a Individual who falls in this category, I don't feel it should be necessary I have to reveal my whole medical history to go into a supermarket or a restaurant. Or to have to ask for reasonable accommodations when everyone at this point in California is required to wear a mask indoors to prevent further spread. So why should I be treated any differently? In addition, there becomes a violation of privacy if you have to show medical records when having an exemption in order to do normal activities. This kind of illegal behavior being allowed further perpetrates the myth that the "unvaccinated" are the only ones responsible for spreading Covid19 or that the "unvaccinated individual is the carrier and has the virus and is spreading it at that moment" without proof.

This is abhorrent, when in fact the CDC has recently shown studies that not only can a vaccinated individual spread the variant virus (while still being vaccinated) but also when infected with Covid19 carries as much of the virus in their nostrils as an unvaccinated person who becomes infected. Which was proved and admitted by the CDC after the Providence, MA outbreak <https://www.washingtonpost.com/health/2021/07/30/provincetown-covid-outbreak-vaccinated/> CDC has stated fully vaccinated individuals can still have "breakthrough" cases which spread the

virus. They are still able to spread the virus regardless of being fully vaccinated. Furthermore there have been vaccinated only cruises(Royal Caribbean) , where all employees and guests had to be fully vaccinated and only fully vaccinated were allowed on board and these individuals STILL CONTRACTED COVID19. Many people who have had Covid19 prior to vaccination, get vaccinated and still contract Covid19 .There's too many cases of fully vaccinated individuals from all walks of life contracting Covid19 after being fully vaccinated. Which means the vaccines are not as effective or not effective enough to put mandates in place that deny freedoms and further discriminate against those who can't be vaccinated or don't want to. These vaccines are not preventing the spread of COVID19 as everyone was lead to believe So there is no difference .Only biased, prejudice behavior against one group which is the unvaccinated. This violates and targets a groups civil rights. There are seven states that treat "vaccination status" as a protected class. Which means there is precedent on the books from this point in time ,related to this pandemic ,to use in any legal argument as to why the vaccinated and unvaccinated should be treated equally and how legally its no ones business to base decisions off of someones vaccination status.

There is a difference between FDA authorized and FDA approved. Only one vaccine recently became FDA Approved. FDA AUTHORIZED IS NOT APPROVED. All of the attempts to violate individuals' rights and discriminatory treatment is occurring when the vaccines haven't met the highest standards put in place by the FDA to be approved. <https://www.cdc.gov/vaccines/covid-19/effectiveness-research/protocols.html> In addition, not all the trials /test groups have been completed or met. Groups such as the immunosuppressed, immunocompromised (these test groups are starting NOW) will be left in a vulnerable position when these mandates go into effect. <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations/underlying-conditions.html?fbclid=IwAR3mDz6LiNpyceCH1onX7bkSgfvzNujcf60KSf4duDUHuLG0jA--d0PcHil>
<https://www.nih.gov/news-events/news-releases/nih-launches-study-third-covid-19-vaccine-dose-kidney-transplant-recipients>

What about pregnant women and possible birth defects from the vaccines? The vaccines haven't been around long enough to see if a pregnant women takes the vaccine and experiences any complications ,be it reaching full term or giving birth or birth defects caused by the vaccine.

https://www.nih.gov/news-events/news-releases/nih-begins-study-covid-19-vaccination-during-pregnancy-postpartum?fbclid=IwAR3f8uIOW3980osifjDaZfV_LNOnDFM5iytEVuSaypDtQdqAlwNQ8XslW20

This is why two of the vaccines are emergency authorized. There are documents just as of last week from the CDC stating there's not enough data on particular groups as mentioned and trials were just beginning .Which means by the city council, board of supervisors ,the state of CA etc, putting in place and enforcing such a extreme mandate its violates the CA Health Law. According to CA HEALTH AND SAFETY CODE - HSC DIVISION 20. MISCELLANEOUS HEALTH AND SAFETY PROVISIONS [24000 - 26250] (Division 20 enacted by Stats. 1939, Ch. 60.)CHAPTER 1.3. Human Experimentation [24170 - 24179.5] (Chapter 1.3 added by Stats. 1978, Ch. 360.) section E- "Consent is voluntary and freely given by the human subject or the conservator or guardian, or other representative, as specified by Section 24175, without the intervention of any element of force, fraud, deceit, duress, coercion, or undue influence."(Amended by Stats. 2003, Ch. 397, Sec. 1. Effective January 1, 2004.

Pfizer is the only vaccine FDA APPROVED .Individuals can still receive Moderna or Johnson and Johnson and all of these the vaccines are STILL RUNNING TRIALS ACCORDING TO THE CDC AND FDA AND EVERY WAIVER TO GET THE VACCINE STATES IT'S FOR EUA AND NOT APPROVED, IT FALLS UNDER EXPERIMENTAL. The minute an authoritative power has implemented restrictions unless being fully vaccinated they have used force and coercion to make someone put a chemical in their body they do not want or can't have that is still at the experimental stage. The minute they have illegally taken away an individuals rights based on vaccination status to

enter businesses , go in venues etc that is a form of " force" and " duress" which breaks the law. They are causing undue stress and duress unto individuals because the unvaccinated cannot be apart of society and partake in normal activities without taking it. With these laws in place it exiles the unvaccinated from society over an experimental drug .Individuals will not be taking the vaccine freely if their very freedoms and way of life is contingent upon being injected with a experimental drug.Especially if individuals need those services to live or work.Even if you deem a large venue or restaurant "non essential"not everything is black and white. For example ,you may have a person who works for a third party company and is hired to promote that company at a venue such at the Staples Center or is hired to run a booth at a tradeshow at the LA Convention Center .Even people who work for UberEats or DoorDash need to enter a restaurant to pick up food for the client .All will most likely loose work or be terminated because they cannot fulfill their job duties as they will not be able to enter these places

Normal FDA trials encompass all of these variables and take anywhere from three to ten years to approve a drug. With this being said to deny individuals their rights when there are too many concerns that haven't been addressed or will take time to develop is irrational and unethical and illegal in the state of CA. So, if it becomes mandatory- you will have people who have autoimmune issues ,amongst other groups with health issues where the CDC hasn't fully tested subjects, potentially die or suffer massive complications just from taking a vaccine that hasn't been thoroughly researched. All to enter a restaurant or gym???

The Unruh Civil Rights Act prohibits a business from discriminating.The Unruh Civil Rights Act (colloquially the "Unruh Act") is an expansive 1950s California law that prohibits any business in California from engaging in unlawful discrimination against all persons (consumers) within California's jurisdiction, where the unlawful discrimination is in part based on a person's sex, race, color, religion, ancestry, national origin, age, disability, **medical condition**, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status.[1][2][3] The Unruh Act applies to ALL businesses in California including: hotels and motels, restaurants, theaters, hospitals, barber and beauty shops, housing accommodations, and retail establishments.[4] The law was enacted in 1959 and was named for its author, Jesse M. Unruh. The Unruh Civil Rights Act is codified as California Civil Code section 51.[3][5]

The California Supreme Court has repeatedly "interpreted the [law] as protecting classes other than those listed on its face".[6] For example, even prior to the 2005 addition of sexual orientation to the law's list of covered classes, the Unruh Act had been "construed as protecting gays and lesbians from arbitrary discrimination",[6] such as in the case of Rolon v. Kulwitzky.[7]

"Medical condition" can be applied to vaccination status. If a business knows whether you are or are not vaccinated that applies to your medical condition. Asking for a Covid19 vaccine passport prompts a person to disclose their current medical condition which is whether they are or are not vaccinated.Then the business by not allowing that individual in based on their vaccination status becomes discrimination.

There are thousands of out town visitors who come to Los Angeles daily that live in states or countries where there are no mandatory vaccination rules or even live in states where there ARE LAWS THAT PROHIBIT MANDATORY VACCINATION OR DISCRIMINATION LAWS PREVENTING THOSE WHO ARE NOT VACCINATED FROM BEING BARRED,OR DISCRIMINATED OR NOT ALLOWED EQUAL RIGHTS AS THOSE WHO ARE VACCINATED.STATES LIKE MONTANA AND SOUTH CAROLINA have "Discrimination based on vaccination status is prohibited under a new Montana law (House Bill 702). Enacted on May 7, 2021, the new law went into effect immediately." Now if exceptions are made for those individuals from different states who are visiting and they are let into an establishment , that's becomes discriminatory

in nature. What about people with children that are too young to be vaccinated? So because of their age they don't have to be vaccinated and can enter and establishment but because of another individuals age being eligible for a vaccine they have to be? Again, that's age discrimination. Especially when we are now seeing the children's cases on the rise. An unvaccinated child can easily infect a person the same as an unvaccinated adult can. But yet the adult will be penalized and restricted from entry?

On a whole, there's the data privacy issues of electronic vaccination passports or digital passes. The ACLU has stated "While the European Union has comprehensive digital privacy laws under the General Data Protection Regulation, the US doesn't have comparable protections in place. It's a particular risk for people who whether for fear of deportation, criminalization, or any other reason, may be afraid to share personal information with the government or companies, it's important to put in place legal protections to make sure we're not creating a permanent surveillance system that's scooping our health information and tracking our every move, because that's going to cut the most vulnerable off from society." In addition about a third of the US adults 65 and older do not own smartphones and if electronic passports or digital passes are used for entry this would exclude this group from various aspects of public life. In addition this requires a business to have access to your information from date of birth to address etc and thus that information can be compromised. Google, Apple and many other companies are developing apps for this. So the minute the pass is scanned potentially it's out there for anyone on the web to find and to use without you even knowing it. Think about how many times a day this app or pass by itself would be scanned on average by an individual on a daily basis, if required for entry.

There are huge amounts of people who are unvaccinated in California that believe in the law and what that stands for. Rights are being infringed upon left and right and we will not have our voices silenced. This mandate is a gateway to further discrimination and it's far reaching. The fact that so many people, including the City Attorney are okay with "Jim Crow" south style laws, denying one group their constitutional right or "separate but equal" and Nazi Germany (with blaming the Jews for the reason the country wasn't doing financially well and having to show papers etc, having a scapegoat for hate and blame) in 2021 proves discrimination is alive and well. It has to be stopped immediately before we see history repeat itself, where an entire race of people was almost annihilated within a three year time period. Most recently Senator Melendez has proposed a bill to stop the discrimination between "unvaccinated" and "vaccinated" <https://californiaglobe.com/section-2/senator-melendez-introduces-resolution-to-defeat-mandatory-covid-vaccine-mandates/?fbclid=IwAR1OeSLYDVCMwA8IWS-thAW8zRSTFIQNQVVMFLdK4RydYW9Nu5GZ0BWAxhA>. We will remember those who fought on the basis of what our society was built upon and those who don't - will not be elected again.