

# Form for Employees at an Employer Requiring Covid-19 Injections

*NOTE TO EMPLOYER:* As an employee at your institution, I am requesting that you review this document, provide the requisite information, including the company policies and data relied upon, and sign the form, in regards to your requirement that students get a Covid-19 emergency use authorization (EUA) experimental vaccine. Please respond to this letter by \_\_\_\_\_ 2021.

If I do not receive a response I will not have enough information to determine the appropriateness of this medical intervention for me, or the precise details of the company policy, which to me are ambiguous and difficult to follow. Under such conditions I cannot abide by any request to vaccinate or use other EUA products for lack of information. Thank you for taking the time to provide me with this critical information.

**1) I am concerned that if I have health issues from the shot I will not have health coverage for those effects. If I agree to receive an EUA Covid-19 injection, does my **health insurance plan or employee health coverage [if applicable]** provide complete coverage should I experience an adverse event?**

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**2) If I were not asked by my employer to take this injection as a condition of being present at work/or to do my work, I wouldn't be agreeing to take the shot right now, since it is still under investigation. As an employee following your mandate against my own free will, will you provide **any other medical or financial support to me or my family** if I have an adverse event to an EUA Covid-19 injection and am unable to attend work for days, weeks, or months, or if I am disabled?**

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**3) The Food and Drug Administration (FDA) requires that EUA vaccine recipients be provided with certain vaccine-specific information to help them make an informed decision about vaccination.** The EUA fact sheets that must be provided are specific to each authorized Covid-19 injection and are developed by the manufacturers of the injections (Pfizer/BioNTech, Moderna, and the Johnson & Johnson subsidiary Janssen). The fact sheets must provide the most current and up-to-date information on the injections, and vaccine recipients must also receive information about adverse events.

Have you read, understood, and provided me with these fact sheets and with current information on adverse events so that I can make an educated decision? Have you provided data to employees prior to the injection reflecting recent updates in safety and efficacy data? If not, can you please provide this to me?

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**4) Have you reviewed the available databases of material adverse events reported to date for people who have received experimental Covid-19 injections?**<sup>1</sup>Potential and reported adverse events include death, anaphylaxis, neurological disorders, autoimmune disorders, other long-term chronic diseases, blindness and deafness, infertility, fetal damage, miscarriage, and stillbirth. Can you provide me long term safety data for how these shots could affect my fertility?

FOR WOMEN OF CHILDBEARING AGE: If I plan to get pregnant in the next 5 years, can you tell me how these shots may affect that and what data is available regarding this?

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5) The FDA’s guidance on emergency use authorization of medical products requires the FDA to “ensure that recipients are informed to the extent practicable given the applicable circumstances... **[t]hat they have the option to accept or refuse the EUA product....**” With respect to the emergency use of an unapproved product, the Federal Food, Drug and Cosmetic Act, Title 21 U.S.C. 360bbb-3(e)(1)(A)(ii)(I-III) reiterates that individuals be informed of **“the option to accept or refuse administration of the product, [and] of the consequences, if any, of refusing administration of the product, and of the alternatives to the product that are available and of their benefits and risks.”** Do I have the option to refuse the injection? What are the consequences if I refuse the EUA injection? Can you please provide the written policy on this?

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6) EUA products are unapproved, unlicensed, and experimental. Under the Nuremberg Code—the foundation of ethical medicine—no one may be coerced to participate in a medical experiment. The individual’s consent is absolutely essential. This sentiment is mirrored in all FDA regulations involving human experimentation. No court has ever upheld a mandate for an EUA vaccine. **In *Doe #1 v. Rumsfeld*, 297 F. Supp. 2d 119 (2003),<sup>2</sup> a federal court held that the U.S. military could not mandate EUA vaccines for soldiers: “...[T]he United States cannot demand that members of the armed forces also serve as guinea pigs for experimental drugs”** (*Id.* at 135). Is it the company’s position that legally it can demand that employees serve as “guinea pigs for experimental drugs” as EUA products are described by the court in *Rumsfeld*? Is it the company policy that this is allowed to be demanded against the will of the employees, and with the threat of being excluded from work or terminated as a consequence?

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7) According to Federal Trade Commission (FTC) Guidelines and the FTC’s “Truth In Advertising,”<sup>3</sup> promotional material—and especially material involving health-related products—cannot mislead consumers, omit important information, or express claims. All of this falls under the rubric of “deceptive advertising” (whereby an entity is providing or endorsing a product), whether presented in the form of an ad, on a website, through email, on a poster, or in the mail. For example, statements such as “all employees are required to get the Covid-19 vaccine to make the company safe” or “it’s safe and effective” leave out critical information. Critical information includes the facts that Covid-19 injections are unapproved EUA vaccines that “may” or “may not” prevent Covid, won’t necessarily make workplaces safer, and could in fact cause harm. Not providing links or attachments of the manufacturers’ fact sheets and current information on adverse events is omitting safety information. Are you aware of this? What is the company policy on promoting these products? Please provide me the written policy regarding the company’s rules regarding promotion of the EUA products through official channels.

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8) Since the Covid lockdowns began over one year ago, there have been over 178 reported breaches of unsecured protected health information (PHI), incidents investigated by the Office for Civil Rights (OCR). These breaches exposed millions of people’s personal health information. Although many of these incidents were attributed to hacking, some of the breaches to PHI fell directly under the 1996 Health Insurance Portability and Accountability Act (HIPAA), such as sharing a patient’s or person’s information with an unauthorized individual or incorrectly handling PHI.<sup>3</sup> **Can you please explain your obligations to me, under HIPAA law, and how you are going to protect my personal information - both with respect to your requirement that I receive this injection and/or any testing protocols promoted by the company related to COVID?**

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9) The CDC and other public health officials have recently indicated that vaccinated individuals can get infected and spread virus at similar rates to unvaccinated persons. In addition, there are tens of thousands of reported “breakthrough cases” already. **As a result of this information, can you please explain if your policy distinguishes and/or discriminates between vaccinated persons and unvaccinated persons with respect to masking and testing, and particularly any distinction between vaccinated persons and persons who have naturally recovered from COVID-19? What data have you relied upon in making this policy?**

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10) I have read some disturbing research about the harms of using masks. What is the official company policy regarding wearing masks indoors? **What materials and data have you relied upon in making the company mask policies? What data have you relied upon in making a risk benefit analysis regarding the wearing of masks by staff?**

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As the legally authorized officer of the employer named \_\_\_\_\_, I have read all of the above information, have provided the requestor with all of the information that the FDA requires be provided to recipients of the Covid-19 injections and the use of any other EUA product. I have also provided the requestor the written university policies regarding vaccination, and use of EUA masks and testing for COVID19.

In addition, I affirm/deny that the company policy requires that the employees shall be denied access to the workplace should they decline to receive a Covid-19 injection without a legal exemption.

In addition, I affirm/deny that the company policy requires an agreement to use other Covid countermeasures such as a face covering mask and rt-PCR testing.

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Authorized officer of Company	Company Name	Date
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Endnotes:

1. Vaccine Adverse Event Reporting System. <https://vaers.hhs.gov>; CDC WONDER. About the Vaccine Adverse Event Reporting System (VAERS). <https://wonder.cdc.gov/vaers.html>; National Vaccine Information Center. Search the U.S. Government’s VAERS Data. <https://www.medalerts.org/>.
2. Doe #1 v. Rumsfeld, 297 F. Supp. 2d 119 (2003). <https://www.courtlistener.com/opinion/2326816/doe-v-rumsfeld/>

3. <https://www.ftc.gov/news-events/media-resources/truth-advertising>
4. [https://ocrportal.hhs.gov/ocr/breach/breach\\_report](https://ocrportal.hhs.gov/ocr/breach/breach_report)

5. Federal Trade Commission. Advertising FAQ's: A Guide for Small Business. <https://www.ftc.gov/tps-advice/business-center/guidance/advertising-faqs-guide-small-business>.
6. Federal Trade Commission. Truth in Advertising. <https://www.ftc.gov/news-events/media-resources/truth-advertising>.
7. U.S. Department of Health and Human Services. Office for Civil Rights. Breach Portal: Notice to the Secretary of HHS Breach of Unsecured Protected Health Information. [https://ocrportal.hhs.gov/ocr/breach/breach\\_report.jsf;jsessionid=618E88DD94EE65D46D5785CB2A643553](https://ocrportal.hhs.gov/ocr/breach/breach_report.jsf;jsessionid=618E88DD94EE65D46D5785CB2A643553).
8. <http://market-tcker.org/akcs-www?post=242282>
9. <https://www.natlawreview.com/article/osha-s-new-guidance-recordability-covid-19-vaccine-reactons>