September 21, 2021

The Honorable Joseph R. Biden Jr.
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear President Biden:

On behalf of IAAPA, the global association for the attractions industry, we respectfully request your team and the appropriate federal agencies, to work in partnership with our organization - and the broader business community - to address the questions and concerns offered by our members regarding the practical implementation of your administration’s newest COVID-19 Action Plan. Their initial questions are below, which we have categorized for clarity and efficiency.

Vaccination Questions

- What is considered documentation for proof of vaccination and will booster doses be factored into compliance over time?
- Must an employee be fully vaccinated to work?
- How will the requirements address natural immunity? Will individuals who have contracted COVID-19 be required to be vaccinated or submit to testing requirements?
- Will the requirements only apply to vaccines that are fully approved by the Food and Drug Administration, or will the vaccines enrolled in clinical trials that have not yet been approved also be considered?
- Does the government have plans to centralize vaccination tracking or is it the responsibility of employers to manage?
- What are the consequences of falsifying one’s vaccination status and does responsibility rest with the employee or employer?
- Will the employer be required to keep evidence of an employee’s vaccination status or can they simply “show and go”? If there will be a document retention obligation, how long will that be?
- What indicators will be used to determine when the program will end (e.g., a certain infection or vaccination percentage)?
Testing Questions

• Is there a single testing standard that must be met to be considered compliant for the negative test result requirement?
• What is the acceptable documentation of a negative test result and when does the result have to be presented to the employer in relation to when the test was taken and/or when the employee reports to work?
• What are the consequences of falsifying test results and does responsibility rest with the employee or employer?
• If an employee takes a test but the results are not yet available, can the employee continue to work pending the results?
• Will business testing programs that test all employees on-site during each day meet the requirements for unvaccinated employees who need to test before coming to work?
• Should employees choose not to be vaccinated, is the company or employee responsible for securing and paying for testing? How often will negative test results be required? Will paid time off have to be given for weekly testing requirements?
• Will an organization be required to test if they already mandate vaccinations?
• Who will be obligated to pay for an employee’s testing?
• If an employee tests positive – who else will be required to quarantine? All employees in the company? On the property? In the immediate proximity?
• Do all employees need to be paid while in quarantine?
• Is the employee on paid company time while undergoing the test?

Operational Questions

• When will the requirements be formally issued and what is the timeline for compliance? When will the requirements no longer apply?
• How does this mandate impact locations with collective bargaining agreements?
• Will this federal requirement preempt existing state-imposed obligations, even if state standards are stricter, for the purposes of uniformity?
• Will the new federal requirements include exemptions based on religious beliefs and disabilities?
• Will waivers be allowed if essential employees’ absences or attrition cause significant disruption to an employer’s ability to operate?
• Does OSHA’s definition of “100+ employees” include seasonal and part-time employees?
IAAPA represents more than 5,000 member organizations large and small from more than 100 countries - including amusement and theme parks, water parks, resorts, family entertainment centers, zoos, museums, and more.

We are optimistic that your administration’s recent announcement to ease pandemic-related travel restrictions which will apply to all inbound international travelers, coupled with your plan to get more Americans vaccinated, will serve as the critical next step in not only revitalizing the $51.6 billion a year attractions industry, but the U.S. travel industry, which continues to suffer the greatest impacts from the pandemic.

On behalf of the amusement parks, zoos, aquariums, water parks, and other destinations that make up the attractions industry, thank you for your leadership and your commitment to partner with the business community, answer our operators’ questions, and work with us in ways that will help us reach our shared goals of getting more Americans vaccinated and supporting a healthy and vibrant tourism economy.

Please let me know if you have any questions, and we look forward to partnering with you and your administration to achieve these results.

Sincerely,

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