

Petition to Repeal a Rule  
Interim Director James Schroeder of the Oregon Health Authority

In the Matter of the Repeal of OAR 333-019-1030 COVID-19 Vaccination Requirements for Teachers and School Staff

Petition to Repeal OAR 333-019-1030  
(Vaccination Requirements)

1. Petitioner's name and address is MacKensey Pulliam, 18751 Pacific Ave, Sandy, Oregon.
2. Petitioner is the President and Founder of Oregon Moms Union.
3. Under OAR 333-019-1030, schools are required to have teachers, school staff, and volunteers fully vaccinated or have provided documentation of a medical or religious exception with approval.
4. Dean Sidelinger, M.D., M.S.Ed., health officer and state epidemiologist at Oregon Health Authority (OHA), remarked in a recent [press release](#) to ramping down OHA's pandemic response with the rest of the country, state officials see "more positive changes that speak to the normalization – and manageability – of Covid-19 in our lives." This response is occurring across the country, including Seattle and King County in [Washington](#), and State Public Health Officer Dr. Tomás Aragón rescinded the order for all of [California](#) in September of 2022, stating, "Consequently, mandated testing of the small number of unvaccinated workers is not effectively preventing disease transmission as with the original COVID-19 virus and prior variants earlier in the pandemic." Oregonian is the only state in the Western Pact with a Covid vaccine requirement. The requirement is outdated.
5. Two petition responses dated [July 26, 2022](#), and [December 9th, 2022](#), Re: Petition to Repeal Administrative Rule OAR 333-019-1030, Dr. Sidelinger and Ms. Banks state, "Schools have a responsibility to provide a safe and healthy learning environment for every student. Schools are places that gather a largely unvaccinated population and are places, staff and volunteers spend several hours per day, most days per week in close contact with mostly unvaccinated children." Studies prove, the vaccinated and unvaccinated spread Covid. On average, Oregon schools have a 19:1 student-teacher ratio. In an environment where all age groups are eligible to receive the Covid vaccine, OHA should follow the August 2022 [CDC guidelines](#) to streamline the vaccinated and unvaccinated. Requiring the permanent rule is obsolete.
6. The [February Covid-19 News Release](#) provided: US public health officials, are emphasizing the importance of preparing for COVID-19 exposure and infection – especially those at high risk for severe outcomes – by knowing their risks, making a plan for when they get sick, and taking action if they test positive to protect themselves and those around them. In this release, vaccination is not emphasized in this release from the U.S. Food & Drug

Administration. The permanent rule for vaccinating teachers, staff, and volunteers should be repealed.

7. [Oregon Hospital Forecast and Trends: COVID, Flu, RSV Edition](#): 2/15/2023 illustrates Covid as flattened or is decreasing with a future forecast of fewer deaths. The trends are as follows: variations in Oregon trends between regions is small; the pediatric census for COVID is five; 5% of occupied ICU beds are filled with Covid patients and available beds have continued to increase; Oregon water waste remains flat, emergency department visits remain flat, Covid cases remain near or at levels of June 2020; the number of deaths is forecasted to remain low. Since the vaccination rule was implemented, there has been a considerable decline and flattening of Covid. The data supports repealing the permanent rule.

8. Since this rule was implemented, research has revealed that the vaccine's efficacy has continued to decline and natural immunity is equivalent to the vaccinated. On February 16, 2023, [Past SARS-CoV-2 infection protection against re-infection: a systematic review and meta-analysis](#) was published. The research identified a total of 65 studies from 19 different countries that comprehensively assessed natural immunity protection against COVID-19 re-infection by variant (primary infection and re-infection) and evaluated waning immunity with time since primary infection. The analysis suggests that the level of protection from past infection by variant and over time is at least equivalent if not greater than that provided by a two-dose mRNA vaccine. Therefore vaccinations should not be a requirement for teachers, staff, and volunteers.

9. As [announced by the Biden Administration](#) on Jan. 30, 2023, the administration will end the national Covid emergency on May 11, 2023.

10. Petitioner proposes that OAR 333-019-1030 be repealed so that teachers, school staff, and volunteers are not required to be fully vaccinated or have documentation of a medical or religious exemption in order to teach, work, learn, study, assist, observe, or volunteer at a school. The rule is not necessary and no longer aligns with the CDC.

11. OAR 333-019-1030 was created to repeal once pandemic infection rates leveled. In October 2021, [80% of Oregonians were vaccinated](#). Over two years later, With a majority of staff and volunteers vaccinated, and more tools available to protect from severe illness, the vaccine requirement served its purpose during a critical time.

12. Oregonians were assured by Oregon health officials "permanent" does not mean they are going to be in effect indefinitely. The rules can be loosened or rescinded as pandemic conditions change as [published on January 31, 2022, by OHA](#):

- "The degree of COVID-19 transmission"
- "COVID-19 related hospitalizations and deaths"
- "Disparate COVID-19 related health impacts on communities of color and tribal communities"
- "Guidance from the U.S. Centers for Disease Control and Prevention"

- “Proportion of the population partially or fully vaccinated”

The data around Covid conditions have positively changed and Oregon health officials have chosen not to rescind the permanent rule, regardless of past petitions, CDC guidelines, or its own listed conditions. The conditions of the pandemic are in favor of rescinding the permanent rule.

13. OAR 333-019-1030 as petitioner proposes to repeal the entire OAR 333-019-1030 effective immediately.

14. Petitioner has knowledge of persons who may have a particular interest in the proposed repeal of OAR 333-019-1030. This petition is not to be denied without Oregon Health Authority inviting public comment upon the rule based on OAR 137-001-0070.

15. The rule does not overlap, duplicate or conflict with any state, federal, or local regulation that petitioner has identified.

16. OHA is not monitoring disease trends and vaccine effectiveness to keep its rule as still necessary to control COVID-19. The justification for keeping this rule in place when it does not prevent disease or transmission is not considering updated scientific evidence. Repealing the rule does not prevent schools from enforcing rules but it does allow them to remove barriers to staffing and volunteers, both are needed to assist in learning.

Wherefore, petitioner requests Interim Director James Schroeder to repeal OAR 333-019-1030.

Dated March 1, 2023

MacKensey Pulliam  
President, Oregon Moms Union  
Petitioner