
DECLARATION OF ROBERT P. WAHLIN

STATE OF WISCONSIN)
) SS.
COUNTY OF DANE)

I, Robert P. Wahlin, make the following declaration under the penalty of perjury:

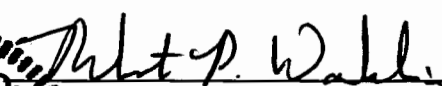
1. I am the President & CEO of Stoughton Trailers, LLC, a Wisconsin limited liability company, and I have personal knowledge of the information stated in this affidavit and submit this affidavit in support of WMC's amicus brief in the *Tankcraft Corporation & Plasticraft Corporation v. OSHA* case.

2. Stoughton Trailers, LLC is a family owned company engaged in the engineering, design, manufacture, and sale of over the road trailers, semi-trailers, intermodal container chassis, and related transportation equipment. Stoughton Trailers, LLC employs approximately 1,320 employees at its headquarters and five manufacturing plants located in Stoughton, Wisconsin; Brodhead, Wisconsin; and Evansville, Wisconsin. Stoughton Trailers, LLC will be subject to the OSHA Emergency Temporary Standard (the ETS) based on the size of its workforce.

3. Based upon feedback from employees, Stoughton Trailers, LLC expects to lose 15% of its workforce if the ETS is allowed to take effect. This loss of employees will severely limit the ability of Stoughton Trailers, LLC to operate as a business, and meet the demands of our customers.

4. Because of the factors listed above, I believe the ETS would irreparably harm Stoughton Trailers, LLC.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

11/12/2021
[date] 
Robert P. Wahlin
President & CEO
Stoughton Trailers, LLC

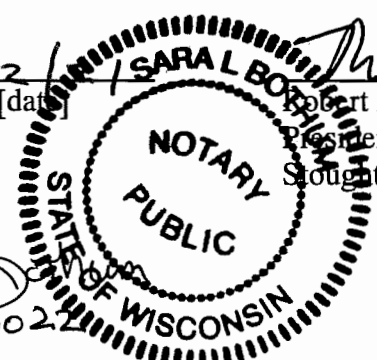

Sara L. Borison
11/28/2021

EXHIBIT B

DECLARATION OF ERIC SAUEY

STATE OF WISCONSIN)
) SS.
COUNTY OF SAUK)

I, Eric Sauey, make the following declaration under the penalty of perjury:

1. I am the President of Seats Incorporated, and I have personal knowledge of the information stated in this affidavit and submit this affidavit in support of WMC's amicus brief in the *Tankcraft Corporation & Plasticraft Corporation v. OSHA* case.

2. Seats Incorporated is a manufacturer of custom vehicular seating for On Highway vehicles, Off Highway vehicles and many other specialized vehicles, including military transport vehicles. We will be subject to the OSHA Emergency Temporary Standard (the ETS) based on the size of our workforce.

3. Based upon feedback from my employees, our company expects to lose 25 – 30% of our workforce if the ETS is allowed to take effect. This loss of employees will severely limit Seats Incorporated's ability to operate as a business, and meet the demands of our customers.

4. Vaccination rates notwithstanding, weekly testing of non-vaccinated employees is not feasible due to the lack of available testing materials. Required testing and placing the administration of said testing on Seats Incorporated is an undue burden. I believe that this mandate is unconstitutional as it violates an individual's right of privacy. I would submit that if this requirement is so compelling that it should be put before congress and enacted into law, not rule by fiat. Due process is non-existent.

EXHIBIT B

5. Because of the factors listed above, the ETS would irreparably harm Seats Incorporated.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

11/11/2021
[date]

Eric W. Sauey
ERIC W. SAUEY

DRAFT - CONFIDENTIAL

EXHIBIT C

DECLARATION OF Kelly Ingli, President of OEM Fabricators, Inc.

I, Kelly Ingli, make the following declaration under the penalty of perjury:

1. I am the President of OEM Fabricators, Inc., and I have personal knowledge of the information stated in this affidavit and submit this affidavit in support of WMC's amicus brief in the *Tankcraft Corporation & Plasticraft Corporation v. OSHA* case.
2. OEM Fabricators, Inc. is a custom metal fabrication business, with 3 locations in Wisconsin, employing 260 Team Members. We will be subject to the OSHA Emergency Temporary Standard (the ETS) based on the size of our workforce.
3. Based upon feedback from OEM Fabricators, Inc. Team Members, our company expects to lose 25% of our workforce if the ETS is allowed to take effect. This loss of Team Members will severely limit OEM Fabricator, Inc.'s ability to operate as a business, and meet the demands of our customers.
4. OSHA's Emergency Temporary Standard pertaining to the COVID-19 vaccination and testing will certainly be detrimental to OEM Fabricators, Inc.'s overall operations and financial health. The administrative and financial burden this will place on OEM is immense. OEM is currently facing labor shortages and issues finding new Team Members. OEM cannot afford to lose Team Members and this ETS will only intensify the issue. The Leadership Team has already received several notifications stating Team Members will find employment elsewhere if we move ahead with either option. Less than 50% of our Team Members are vaccinated and due to strong opinions regarding the vaccine, it is against the best interests of OEM to mandate the vaccine. With 260 Team Members, this would result in testing at least 130 individuals each week along with a mask requirement. The idea that OEM would be able to expect Team Members to pay for their own test is unreasonable. The tests OEM would have to purchase, if even available, average \$25 per test. This would equate to over \$3,000 a week in additional costs, not to mention the administrative burden that would be experienced. With 3 locations, 3 different shifts, extensive record keeping and supervised tests, OEM Fabricators, Inc. would need to hire additional Team Members potentially increasing annual cost by an additional \$180,000. This is a substantial undertaking for a company of our size. We also find the mask requirement for unvaccinated individuals will only work to further the divide our workforce on an already controversial topic, is an invasion of an individual's

EXHIBIT C

privacy as well as a violation of HIPAA. OEM strives to maintain a supportive and Family Friendly Workplace, these rules undermine OEM's culture and create an adversarial environment, something we have worked diligently to avoid for many years.

5. Because of the factors listed above, the ETS would irreparably harm OEM

Fabricators, Inc.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

11/12/2021



Kelly Ingli



STATE OF WISCONSIN)

)ss.

COUNTY OF Pepin)

The foregoing instrument was acknowledged before me this 12th day of November, 2021, by Kelly Ingli, the President of, respectively, of OEM Fabricators, Inc., a Wisconsin corporation, on behalf of the company.



Notary Public, Pepin County
Deputy Clerk

EXHIBIT D

DECLARATION OF JAMES LEEF

STATE OF WISCONSIN)
) SS.
COUNTY OF WAUKESHA)

I, James Leef make the following declaration under the penalty of perjury:

1. I am the CEO of ITU AbsorbTech Inc., and I have personal knowledge of the information stated in this affidavit and submit this affidavit in support of WMC's amicus brief in the *Tankcraft Corporation & Plasticraft Corporation v. OSHA* case.

2. ITU AbsorbTech, Inc is an industrial laundry that specializes in providing environmentally preferable services to manufacturers that eliminate oil and solvent laden materials from those customer's waste streams. Oils and solvents are recovered for re-use. The company employs 465 people, operates 5 processing facilities and services customers in 38 states. We will be subject to the OSHA Emergency Temporary Standard (the ETS) based on the size of our workforce.

3. If this ETS goes through we stand to lose 10% of our unvaccinated workforce, perhaps 25 individuals.

Many will flee to smaller firms, despite our pledge to support their freedom to choose via weekly testing, simply because they do not want to reveal their medical records to outsiders, especially the government. These departures will cost us tens of thousands of dollars in recruitment and training costs, well in excess of the pitifully low amount OSHA used in their purported "cost/benefit analysis".

We employ over 100 people, but they are located in 14 different facilities, 12 of which have less than 100 employees, and 6 of them with less than 10 employees. In some of our smaller locations, we may lose half or more of our employees. That may make it impossible to service our customers. Our customers will suffer with limited or no access to the essential environmental services we provide. Penalizing

EXHIBIT D

us in these smaller facilities, when there is essentially no employee contact between these facilities, seems at odds with the logic of the 100 employee rule. Many of our people who may leave us are concentrated in our processing plants.

We may be unable to process materials that are essential to manufacturing companies in some regions of the country.

In addition, the ETS imposes another unnecessary barrier for recruiting and hiring in the most difficult labor market. With record high job openings and low labor participation rates across the nation, the ETS does not incentivize people to enter nor stay in the workforce.

Our organization has 31 open positions, up 50% from 2020. We are growing and the ETS will clearly be compounding the damage we already are experiencing with the labor shortages.

We treat our employees as essential workers, who are required to service customers and process product on-site. The negative trickle-down effect of the ETS will impact our capability to recruit, to hire and ultimately fulfill our contracts and services to customers – many of whom are actively contributing to a robust economy, which the government benefits from greatly.

The ETS does not support a sustainable model for business nor us, as an employer. It creates a model of dependency on the whim, not science, of misconceptions of COVID and “grave danger” that will cause negative repercussions for employers, likely to be felt for years to come.

4. Because of the factors listed above, the ETS would irreparably harm ITU

AbsorbTech Inc.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

11.12.21

Nov 12, 2021

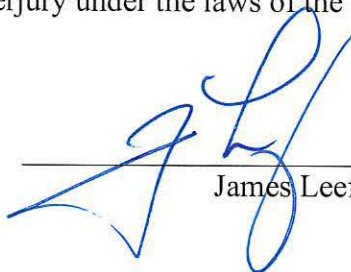

James Leef

EXHIBIT E

DECLARATION OF QPS Employment Group

STATE OF WISCONSIN)
) SS.
COUNTY OF WAUKESHA)

I, SCOTT A. MAYER, make the following declaration under the penalty of perjury:

1. I am the CEO of QPS EMPLOYMENT GROUP, and I have personal knowledge of the information stated in this affidavit and submit this affidavit in support of WMC's amicus brief in the *Tankcraft Corporation & Plasticraft Corporation v. OSHA* case.

2. QPS EMPLOYMENT GROUP is part of the Employment Services Industry, with a headquarters located in Brookfield, WI, as well as 55 branches across seven states and has internal staff of over 360. We will be subject to the OSHA Emergency Temporary Standard (the ETS) based on the size of our workforce.

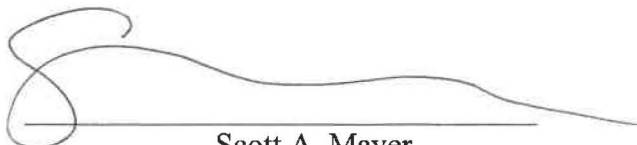
3. Based upon feedback from QPS EMPLOYMENT GROUP'S employees, our company expects to lose 15% of our workforce if the ETS is allowed to take effect. This loss of employees will severely limit QPS EMPLOYMENT GROUP'S ability to operate as a business, and meet the demands of our customers.

4. Testing our associates will be financially impactful due to logistics of overseeing 5700 associate employees currently on assignment, 55 locations throughout the Midwest, and the sheer volume of additional work overseeing the proposed protocol.

5. Because of the factors listed above, the ETS would irreparably harm QPS EMPLOYMENT GROUP.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

11/12/21
[date]



Scott A. Mayer

EXHIBIT F

DECLARATION OF KURT R. BAUER

STATE OF WISCONSIN)
) SS.
COUNTY OF DANE)

I, Kurt R. Bauer, make the following declaration under the penalty of perjury:

1. I am the President/CEO of Wisconsin Manufacturers & Commerce (WMC), and I have personal knowledge of the information stated in this declaration and submit this declaration in support of WMC's amicus brief in the *Tankcraft Corporation & Plasticraft Corporation v. OSHA* case.

2. WMC is a statewide business advocacy association formed in 1911 that represents roughly 3,800 member businesses. Our members consist of small, medium, and large employers, and represent all sectors of Wisconsin's economy. Many of WMC's members will be subject to the OSHA Emergency Temporary Standard (the ETS) because they have 100 or more employees.

3. On November 11-12, WMC conducted a survey of our members who have at least 100 employees to ascertain the impact of the ETS on business operations and employment. Roughly 15% of WMC members with 100 or more employees responded to the survey, making it a statistically valid sample of our large employer membership.

4. Based upon the results of the survey, employers expressed serious concerns with respect to the loss of employees resulting from implementation of the ETS.

5. The survey found that 88% of respondents anticipate losing employees if the ETS is implemented. Specifically, 36% of those companies expect to lose up to 10% of their workforce, 33% expect to lose between 11% and 20% of their workforce, and 20% said they will

EXHIBIT F

lose between 21% and 40% of their workforce. The remaining 11% of respondents were unsure what percent of their workforce they would lose.

6. Furthermore, 96% of businesses expressed concerns about employees quitting as a result of the ETS, 88% said there would be disruptions to company operations, and 84% cited a lack of testing supplies required to administer the weekly testing to non-vaccinated employees.

7. The results of WMC's survey of employers with 100 or more employees raises grave concerns that the ETS will irreparably harm Wisconsin employers and their employees if the mandate is allowed to take effect.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

November 15, 2021


Kurt R. Bauer

EXHIBIT G

DECLARATION OF PRENT CORPORATION

STATE OF WISCONSIN)
) SS.
COUNTY OF ROCK)

I, Rachel Andres, make the following declaration under the penalty of perjury:

1. I am the Senior Vice Present of Corporate Services at Prent Corporation, and I have personal knowledge of the information stated in this affidavit and submit this affidavit in support of WMC's amicus brief in the *Tankcraft Corporation & Plasticraft Corporation v. OSHA* case.

2. Prent Corporation is a Medical Device Packaging company in Janesville, Wisconsin employing 800 employees. We will be subject to the OSHA Emergency Temporary Standard (the ETS) based on the size of our workforce.

3. Based upon feedback from Prent employees, our company expects to lose 45% of our workforce if the ETS is allowed to take effect. This loss of employees will severely limit Prent's ability to operate as a business and meet the demands of our customers.

4. Testing our employees will significantly decrease productivity and production efficiencies during a time when Prent is seeing an increase in orders yet is struggling to keep turnover at a minimum. Substantial time and resources will be required in order to test the employees that are not vaccinated, which is around 40% of our workforce. Likewise, the cost associated with testing, administrative resources as well as paying for employees' absences during testing and for any side effects will be detrimental to our company.

5. Furthermore, Prent Corporation has successfully implemented a Covid-19 policy wherein unvaccinated employees are required to wear a mask at all times, are not allowed to


EXHIBIT G

travel on behalf of the company and are encouraged to partake in the various onsite vaccination clinics Prent has held. Prent has a detailed preventative measure policy in place as well and has kept confirmed Covid cases under 15% while continuously educating our employees on the importance of getting vaccinated and following CDC guidelines.

6. Consequently, in consideration of the factors listed above, the ETS would irreparably harm Prent Corporation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

November 12, 2021
[date]



[Rachel Andres]

EXHIBIT H

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

TANKCRAFT CORPORATION &
PLASTICRAFT CORPORATION,

Petitioners,

v.

Case No. 21-3058

OCCUPATIONAL SAFETY AND HEALTH
ADMINISTRATION,

Respondent,

DECLARATION OF JOEL FLEISCHMAN

Joel Fleischman, under penalty of perjury, states as follows:

1. I am the President of Drexel Building Supply, Inc. ("Drexel Building Supply"). Drexel Building Supply is a family-owned building supply business that provides building materials and services to professional contractors and homeowners throughout Wisconsin. Drexel Building Supply has approximately 650 employees at eight locations around the State of Wisconsin.

2. I and other members of the leadership of Drexel Building Supply have had numerous conversations with Drexel Building Supply employees regarding the vaccine mandate for private employers that OSHA released via an Emergency Temporary Standard (ETS) on November 4, 2021. Opposition to this mandate is widespread in the Drexel Building Supply workforce. Based on our conversations, we estimate that up to 80% of Drexel Building Supply employees oppose the mandate.

3. I believe that, if the OSHA ETS goes into effect, a significant number of Drexel Building Supply employees will either quit and go to an employer with fewer than

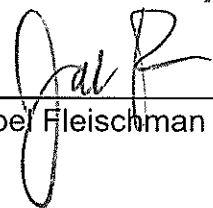
EXHIBIT H

100 employees (that does not have to comply with the ETS) or will simply retire. Drexel Building Supply is already at a critical moment in its business due to the pandemic shortage of labor and supply chain issues causing shortages in material and supplies. At present, 9% of our positions are unfilled due to the ongoing labor shortage. We cannot afford to lose a significant number of other employees and still expect our business to successfully operate. Simply put, if the OSHA ETS is allowed to go into effect, the impact on Drexel Building Supply's business will be widespread and devastating.

4. Setting aside the additional and severe labor issues that the ETS will create, the costs and demands of compliance will also be very burdensome for our company. We anticipate that we will need to have at least one more full-time employee at each location in order to check on Covid tests weekly and verify the results in order to ensure compliance with the ETS.

5. I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 15, 2021.

By: 

Joel Fleischman

EXHIBIT I

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

TANKCRAFT CORPORATION &
PLASTICRAFT CORPORATION,

Petitioners,

v.

Case No. 21-3058

OCCUPATIONAL SAFETY AND HEALTH
ADMINISTRATION,

Respondent,

DECLARATION OF JOHN H. BATTEN

John H. Batten, under penalty of perjury, states as follows:

1. I am the President and Chief Executive Officer of Twin Disc, Inc. (“Twin Disc”). Twin Disc was founded in 1918 in Racine, WI and is a global organization that designs, manufactures, and distributes power transmission equipment for a wide range of applications, including marine, off-road vehicle and industrial. Twin Disc’s global headquarters has remained in Wisconsin throughout its entire history.

2. The year started with almost zero visibility into our markets and only one clear goal: survival—for our employees, our customers, our suppliers, and our business. The summer of 2020 was uncharted territory for the company. Our team made the difficult decisions necessary to keep our employees and their families safe, to keep our facilities running, and to keep product moving to our customers. Despite daily global supply chain issues and labor shortages, Twin Disc has continued to meet customer demands.

EXHIBIT I

3. Twin Disc has safely kept its facilities open in the United States throughout the pandemic, going above and beyond to ensure safety, including requiring masks for all employees (both vaccinated and unvaccinated) and allowing non-onsite essential employees to remain remote up to 100 % until June 14, 2021 and then only requiring 50% in-person attendance thereafter. All of these measures were undertaken for purposes of keeping employees, families, and operations safe.

4. I estimate that of our 260 employees in Racine, only 60% are fully vaccinated. If the vaccine mandate for private employers that OSHA released via an Emergency Temporary Standard (ETS) on November 4, 2021 remains in effect, I am certain Twin Disc will lose employees, including both those that have been employed by the company for less than a year and others that have spent up to forty years with the company.

5. In the midst of a difficult labor market, Twin Disc is already currently attempting to fill several open positions, both salaried and hourly positions in the plant. This shortage makes it difficult to meet customer demands. Of the unvaccinated employees, I anticipate losing 50% in the event the mandate remains in place. Losing this number of both skilled trades and professional employees will likely force Twin Disc's Racine operations to close. The impact to the Racine community of losing a 100-year-old company would be devastating.

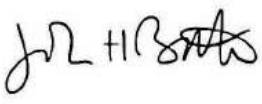
6. In addition to potentially losing a significant number of employees to the mandate, the costs associated with compliance would be astronomical. Even if unvaccinated employees were to stay and get tested weekly, either the employees or

EXHIBIT I

Twin Disc would have to cover the testing costs of approximately \$ 5,000 per employee annually. Neither Twin Disc nor the individual employees could absorb this cost. In addition, legal assistance would be required to review requests for religious and/or medical exemptions. While difficult to estimate, compliance costs alone could potentially force Twin Disc into financial distress.

7. I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 15, 2021.


By: _____
John H. Batten