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**Submitted Electronically**

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RE: Comments of the Virginia Business Coalition re: Safety and Health Codes Board intent to amend Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220

Dear Safety and Health Codes Board Members:

On behalf of the Business Coalition (“Coalition”) which is comprised of 34 leading business associations across the Commonwealth, we thank you for the opportunity to comment on the Virginia Department of Labor and Industry’s announced intent to amend the Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220 (collectively, the “Regulations”).

For the last year and half, Virginia employers have committed themselves to protecting their employees, contractors, suppliers, customers, and communities from COVID-19 infection. They have done this by continually updating their COVID-19 protocols to ensure they are complying with the latest regulations and guidance imposed by federal, state, and local regulators. Despite the additional stress, costs and time related to compliance, business leaders and owners understood how critically important it was to do their part to reduce the risk of exposure and spread of the virus.

Understanding Virginia businesses need clarity and consistency in any regulatory program and the permanent standard is a static regulatory burden for a pandemic that is temporary, our Coalition respectfully asks the Board to repeal the permanent standard.

However, if the Board feels a standard should remain in effect as the pandemic winds down, we strongly encourage the Board to adopt Governor Northam’s recommendation to amend Section 16VAC25-220-10.E to provide employers with safeguards should they comply with the most recent CDC guidance. We hope the Board will reconsider and approve the following language change.

*E. To the extent that an employer actually complies with a recommendation contained in CDC guidelines, whether mandatory or nonmandatory, to mitigate SARS-CoV-2 virus and COVID-19 disease related hazards or job tasks addressed by this standard, the employer's actions shall be considered in compliance with the related provisions of this standard. An employer's actual compliance with a recommendation contained in CDC guidelines,*

*whether mandatory or non-mandatory, to mitigate SARS-CoV-2 and COVID-19 related hazards or job tasks addressed by a provision of this standard shall be considered evidence of good faith in any enforcement proceeding related to this standard. The Commissioner of Labor and Industry shall consult with the State Health Commissioner for advice and technical aid before making a determination related to compliance with CDC guidelines.*

By approving the Governor’s recommendation to 16VAC25-220-10.E, you will enable employers to return their focus where it belongs — on best practices as they are recommended in real time by the CDC.

Sincerely,

**VIRGINIA BUSINESS COALITION**

<p>Associated Builders and Contractors -Virginia Associated General Contractors of Virginia Delmarva Chicken Association Hampton Roads Chamber of Commerce Harrisonburg – Rockingham Chamber of Commerce Heavy Construction Contractors Association <a href="#">National Federation of Independent Business</a> Northern Virginia Chamber of Commerce Northern Virginia Transportation Alliance Precast Concrete Association of Virginia Richmond Area Municipal Contractors Association Shellfish Growers of Virginia Thomas Jefferson Institute for Public Policy Virginia Agribusiness Council Virginia Assisted Living Association Virginia Association of Roofing Professionals Virginia Association of Surveyors</p>	<p>Virginia Association for Home Care &amp; Hospice Virginia Automatic Merchandising Association Virginia Contractor Procurement Alliance Virginia Food Industry Association Virginia Forestry Association Virginia Forest Products Association Virginia Loggers Association Virginia Manufactured &amp; Modular Housing Association <a href="#">Virginia Manufacturers Association</a> Virginia Peninsula Chamber of Commerce Virginia Poultry Federation <a href="#">Virginia Retail Federation</a> Virginia Seafood Council Virginia Trucking Association Virginia Veterinary Medical Association Virginia Wholesalers &amp; Distributors Association Virginia Wineries Association</p> <p><i>Coalition Contacts: Nicole Riley, NFIB; Brett Vassey, VMA; and Jodi Roth, VRF.</i></p>
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