General Notice: Department of Labor and Industry Announces Intent to Adopt a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220 [1137]

Commenter	Title	Comment	Date/ID
Terry Pruitt, Gaston Brothers Utilities, LLC	Department of Labor and Industry Announces Intent to Adopt a Permanent Standard for Infectious Disea	It is premature to make the Temporary Standard a Permanent Standard. The Department should "let the dust settle", before contemplating a Standard that will be very difficult to enforce and will call into question the qualifications of Compliance Officers who will make compliance determinations. The Temporary Standard is already burdensome and only addresses the prevention of spreading COVID-19 among co-workers. I do not think it is VOSH's job "police" infections likely caused outside the workplace. Businesses do not need a VOSH enforcement tool to address the problem; it is better left to state and local Health Departments.	7/28/20 10:54 am CommentID:84192
Lisa Gray	Proposed Permanent Standard Infection Disease Prevention	Mandating that employees social distance and wear face masks when distancing is not possible on a permanent basis just to control SARS type viruses is both premature and unsustainable. Small businesses do not have the resources to pay employees to stay home for several days because cold symptoms mirror SARS symptoms. Not to mention, employees can't afford to stay home unpaid for conditions that mimic SARS, such as allergies, common colds, ear infections, etc.	7/30/20 4:15 pm CommentID:84195
Christina White	Proposed Permanent Standard for Infectious Disease Prevention	This is a good start to having a usable plan for this and other infectious diseases. There will need to be some adjusting of the some of the sections including the antibody testing section as we learn more and get better test methods. We need to have guidelines to protect workers and hold businesses accountable. Having healthy and safe employees will lead to having healthier and safer customers. This will help businesses in the long run as safer businesses are more profitable.	7/31/20 9:27 am CommentID:84196
Anonymous	Return to work requirements must be consistent with CDC and VDH guidance	It is problematic that the return to work criteria in both the temporary standard and proposed permanent standard are not consistent with CDC and VDH guidance. Physicians have been following CDC guidance and providing return to work notes to their patients based on CDC/VDH guidance. Employers should not be placed in a position of second guessing and over-riding a physician's note. What is the liability to the employer if they do not allow an employee to return to work who has been released by their physician to do so? Secondly, since CDC/VDH guidance is constantly evolving and they produce clear and helpful communications and posters, the standards should simply refer to the CDC/VDH guidance on when to end isolation.	8/5/20 10:33 am CommentID:84202
Anonymous	Keep OSHA Out of this !!!	We already have four dragons breathing down our necks telling us what to do and what not to do (Loudoun County Health Dept., VDH, CDC, the Governor's Executive Orders). My god, we can't even run our business' for all the none-stop minutia raining down on us. The last thing we need is yet another (5th) dragon breathing down our necks ... telling us what to do. WE ALREADY KNOW WHAT TO DO !!! Stop this insanity now!!!	8/26/20 9:45 am CommentID:84237
Anonymous	Intent to Adopt a Permanent Standard for Infectious Disease Prevention	Making this permanent is an unnecessary overreach in response to what is, ultimately, a temporary problem. The order is very specific to COVID-19, which, presumably, will eventually have a vaccine. Furthermore, the addition of new, onerous burdens placed on employers who are already struggling to keep their businesses going during a time when the government is preventing business as usual is outrageous. Most of us are working with significantly reduced revenue and higher cost of operations due to the restrictions the government has already created. We are all researching CDC and VDH guidelines for ways to make our businesses as safe as possible for our employees and customers. Adding additional government oversight and burdensome regulations – which often do not align with the guidelines from agencies with more insight into effective strategies for infectious disease control – is not in the best interest of anyone. It is also important to note that recommendations from CDC and VDH continue to change on a regular basis. It would be highly irresponsible to enact long term mandates based on a snapshot of an evolving situation.	8/30/20 3:06 pm CommentID:84246
Anonymous	Inconsistency and Burden	We are a private preschool and have been deemed essential by governor's order. We are very proud to have stayed open during the whole Covid-19 crisis and offer our current parents and new - essential - parents a safe space for their children. We have been following all guidelines (CDC, VDH, VDSS, Governor's Mandates) diligently, even when they were often conflicting and inconsistent. We do not need another government body(DOLI) have us comply with yet another standard, potentially creating more confusion.There is no consistency, e.g. DOLI requires the return to work policy to be 72 hours fever free, and 7 days with no symptoms, while the CDC requires 24 hours and 10 days! Face coverings instructions are unclear - is it when social distancing cannot be maintained, or at all times, as feasible? The challenges with social distancing and young children are not mentioned at all in any of the specific regulations. Just as it is hard for medical personnel or law enforcement to social distance, it is hard for our teachers in dealing with young children.We do not need the threat to be thrown in jail or with a hefty fine.	8/31/20 2:35 pm CommentID:84250
Anonymous	Let it go	The requirements of this standard are overly burdensome to continue indefinitely. There is no data to support the need for this standard to become permanent. To expect workers in Virginia to have to social distance and wear face coverings for the rest of their working lives is utterly ridiculous. Perhaps if board members were to say that out loud to themselves they might actually realize how ridiculous that sounds. I listened to all of the sessions on the adoption of the ETS and personally felt that it was a joke. I am amazed how board members quickly changed their minds when the governor didn't like what they had to say. (learning institution requirements) Some board members seemed to be in it in order to be able to get more clients for their consultation business or just to try to make a name for themselves. I would be interested to see how they are all following the requirements that they themselves instituted. A nice surprise VOSH visit to their establishments would be very interesting indeed. Then again, it would be interesting to see if VOSH is even following these requirements. Workers need to be able to get back to normal. Employers need to be able to get back to normal. You can't continue to force employers to put unrealistic protections in place just so their employees can blow those protections out of the water when they go to the bar, the grocery store or even to their evening sports leagues. If workers aren't willing to take responsibility for themselves out in public then employers should not be forced to take the responsibility for them. This standard ultimately makes employers responsible for what the workers are doing off the job and that just makes no sense whatsoever. We don't need more regulation. We need more people with good sense. Obviously that is lacking in the Governor's office, on the board, at VOSH and in the Commonwealth overall.	8/31/20 3:27 pm CommentID:84251
Jason Monk, Hampton Division of Fire and Rescue	Symptom-based RTW Guidelines Not Inline with CDC	The current temporary standard for symptom-based return-to-work guidelines (Page 22, 1.a.i.) are inconsistent with current CDC and VDH guidelines. The DOLI temporary guidance requires 72 hours without a fever as one of the three requirements. However, the CDC recommends 24 hours without a fever. Otherwise, the guidance of the DOLI document and the CDC recommendations for RTW are identical. Because DOLI is a lawful requirement, we must follow the current DOLI recommendations even if they are not consistent with CDC guidance. By making the DOLI document consistent with CDC, it will clear up confusion and allow us to follow the most current recommendations. Another consideration would be to add language that won't require a document change if the CDC guidance changes, such as, "...or the most current CDC recommendations." I respectfully request that the DOLI document, specifically 1.a.i. on page 22, reflect the current CDC recommendations. **Current DOLI Guidance** a. For known or suspected to be infected with the SARS-CoV-2 virus employees the symptom-based strategy excludes an employee from returning to work until (i) **at least three days (72 hours) have passed since recovery, defined as resolution of fever without the use of fever-reducing medications** and improvement in respiratory symptoms (e.g., cough, shortness of breath) and (ii) at least 10 days have passed since symptoms first appeared **Current CDC Recommendations (HCP)** • At least 10 days have passed *since symptoms first appeared* **and** • At least 24 hours have passed *since last* fever without the use of fever-reducing medications **and** • Symptoms (e.g., cough, shortness of breath) have improved **Current CDC Recommendations (all others)** • For most persons with COVID-19 illness, isolation and precautions can generally be discontinued 10 days *after symptom onset*[1] and resolution of fever for at least 24 hours, without the use of fever-reducing medications, and with improvement of other symptoms. ◦ A limited number of persons with severe illness may produce replication-competent virus beyond 10 days that may warrant extending duration of isolation and precautions for up to 20 days after symptom onset; consider consultation with infection control experts.	9/2/20 4:52 pm CommentID:84406
Anonymous	Intent to Permanently Mask the Citizens of Virgnia	There has been no actually, peer-studied, published, definitive evidence that masks work. There is a lot of extrapolation from half-way done trials, no doubt, but hard evidence? And any info should come from an agency that people can trust, which will be a challenge. The CDC has been shown to lie, as did the WHO, as did the VA Governor. If masks work, then why social distance? If social distancing works, why close everything? I suspect VA will try to mandate a vaccine for something with a 0.03% fatality rate, but I digress. This a clear example of governmental and agency over-reach. The state needs to completely re-open. If this does actually take effect it will be interesting to see what (and who) exemptions are contained in the final verbiage. We all know Governor Northam is a fan, and practitioner, of "its good for thee but not for me". Whether that is not wearing a mask or wearing blackface. In closing I refer you back to our state's motto...but in today's vernacular, "karma's a witch".	9/4/20 9:49 am CommentID:84432
Anonymous	Building Owner Notification Section	This section of the proposed regulations is overly burdensome to property/building owners. Leases with tenants are structured in many different (and complex) ways. A commercial property can be occupied by a tenant (or multiple tenants) and the tenant is 100% responsible for maintaining their space and common areas. It is not practical for tenants to notify their Landlord every time their is a COVID occurrence. It is also not practical to notify other tenants in the building of such occurrence. Policy makers need to consult experienced real estate attorneys to understand the legal impacts this proposal may have on the Landlord/Tenant relationship. If the Landlord is responsible for sanitizing the common area they will pass these costs on to the tenants. This can be extremely expensive and costly to business owners who are trying to remain solvent during an economic recession. “In the same manner as subdivision 8 a of this subsection, the building or facility owner. The building or facility owner will require all employer tenants to notify the owner of the occurrence of a SARS-CoV-2-positive test for any employees or residents in the building. This notification will allow the owner to take the necessary steps to sanitize the common areas of the building. In addition, the building or facility owner will notify all employer tenants in the building that one or more cases have been discovered and the floor or work area where the case was located.”	9/5/20 12:49 pm CommentID:84459
Michael Cassidy, The Commonwealth Institute for Fiscal Analysis	adopt a permanent standard consistent with the ETS	We commend the DOLI staff and Safety and Health Codes Board for developing and approving emergency temporary standards in a timely manner in the wake of COVID-19. In particular, we thank DOLI and the Board for prioritizing physical distancing, which is one of the best ways to prevent person to person spread. We also strongly support requiring employers to provide greater transparency and communication when someone in the workplace has been infected with COVID-19, while still complying with the Americans with Disabilities Act and other applicable Virginia laws and regulations. Finally, we appreciate the strong sanitation requirements applying to workplaces and the standards that ensure access to basic sanitation needs for workers. The proposed Permanent Standard for Infectious Disease Prevention for COVID-19 would maintain important protections for working people and communities in Virginia and provide continuity with the emergency temporary standards, thereby reducing the challenges employers and employees would face from changing regulations. Thank you for considering these comments from The Commonwealth Institute. We urge you to do what is right to protect Virginia’s workers and adopt the proposed Permanent Standard. Sincerely, Michael J. Cassidy President & CEO The Commonwealth Institute for Fiscal Analysis Richmond, VA	9/11/20 9:56 am CommentID:84766
Nancy Neal	ETS as Permanent Standard	I applaud the Governor and the Board for issuing the ETS, and fully support making the standard permanent. I am sorry that it places a burden on employers. DOLI / VOSH has offered assistance and as this virus is deadly and highly contagious there is no other responsible choice. This virus spreads exponentially and as the majority of citizens are employed, it makes sense that they could be exposed and unintentionally infect the workplace- also, without the mandatory requirement of employer notification to employees once a suspected or positive case is reported and subsequent isolation required, could destroy the entire workforce and their families, and ruin the business entirely, with the added detriment of facilitating widespread community transmission. Make it permanent unless and until a vaccine is available that destroys or prevents Covid-19.	9/13/20 9:44 am CommentID:84837

Olin Kinney, Operatons Support Group, Metropolitan Washington Airports Auth	HVAC System Operating As Designed per VA USBC	The engineering controls proposed in the Emergency Temporary Standard (ETS) from Virginia's Department of Labor and Industry, effective July 27, 2020, stipulate compliance with the 2019 version of ASHRAE Standard 62.1 and 62.2, Ventilation for Acceptable Indoor Air Quality. These engineering controls represent an overreach of the regulatory process since it is impractical for Owners of existing buildings, absent of any pending major renovations, to comply with standards that precede the time when the facilities were designed and constructed. Building HVAC systems in use have been designed, constructed, and commissioned in accordance with strict building code requirements in effect at the time of issuing the Certificate of Occupancy. The engineering controls in the ETS should only require systems to be maintained and operated in accordance with their system design and related manufacturer requirements as of the date of the Certificate of Occupancy or subsequent upgrade to the system. Although the Department of Labor and Industry utilized the language of the ETS as a basis for the proposed regulation, it is imperative to tailor any permanent regulation for a magnitude and duration commensurate to the risk presented. The COVID-19 pandemic methods of transmission are not fully understood, yet regulations are being proposed to significantly change large components of buildings to address those methods of transmission. Requiring retroactive compliance with a 2019 ASHRAE HVAC standard without fully understanding the real risk from the HVAC system on the building occupants for virus dispersion is premature at best. It should be left to the industry trade groups to determine the most effective design and performance requirements for existing and new HVAC systems and any permanent regulations should follow existing processes contained in the Virginia Uniform Statewide Building Code (USBC) which utilize appropriate industry investigation and recommendations.	9/15/20 2:43 pm CommentID:84898
Anonymous	Unnecessary and Dangerous	This is an extreme response to a temporary health issue. Making an already ridiculous requirement of employers, employees and the public a permanent burden for a mildly harmful virus, will undeniably cause harm. Face coverings are useless in a non sterile environment. Their only purpose is to make the public feel safe. All of these proposed requirements are actually harmful and not at all helpful. The more we wear masks, sanitize everything obsessively, etc. we are lowering our immune systems and our body's abilities to fight viruses, putting us at an increased risk for serious health complications. If this were to pass and become a permanent requirement, people will become sick, businesses will fail, unemployment will continue, mental health will continue to decline. Enough with the insanity. We need to return to normalcy and this is the direct opposite of that.	9/16/20 11:03 am CommentID:84924
Anonymous	There has to be a reasonable balance	This temporary standard has not been in force long enough to measure its effectiveness, and therefore making it permanent is premature at best, and an abuse of power at worst. Many organizations enacted the majority of the measures within these standards long before they were standards because they cared about their employees and consumers and they had to maintain operations for the good of those people and their surrounding community. But they did so not assuming if they didn't they'd be investigated, fined, jailed or shut-down if they didn't. And they certainly didn't do it with the expectation that a one-size-fits-all would apply to every business. The intent of these standards, slowing the spread of this particular contagion, should be commended. Face coverings work to absorb many (not all) respiratory droplets in a piece of fabric instead of allowing free dispersion through the air. Sanitation and disinfection works to kill active germs on people and surfaces. Physical distancing works to limit exposure potential between infected and non-infected people by choosing to assume all people could be infected. Unfortunately, these are all systems that cannot be 100% effective as they require the participation of all parties, at all times. And businesses cannot be held responsible for the behavior of employees and consumers when they are not on the premises of the business. Ultimately, employees do not spend their entire lives at work, so making the assumption that multiple people who work for the same business and are infected with a highly contagious virus (that is in community spread) were infected as the result of the conditions of that workplace is absurd. Businesses cannot police the behavior of their employees or consumers during the times when they are not on premises of the business. However, businesses are now under heightened scrutiny and risk of liability should either a consumer or employee become ill. Businesses must report to the VDH, even though a positive test has already been shared with VDH. And if multiple employees test positive, the business must also report to DOLI as the business is now considered the site of an "outbreak," despite there being no absolute method to determine where that individual transmitted the disease. Correlation does not equate causality yet in this case, an ill person's employer is under investigation. If two employees who follow the employer's Infectious Disease Preparedness and Response Plan during work hours, but then go on vacations and later test positive for COVID-19, it is absolutely ridiculous to assume the employer was the source of those infections and the home of an "outbreak." The symptoms of COVID-19 mirror those of seasonal allergies, the common cold (another coronavirus), the flu and many other conditions. And the list of symptoms continues to change in length, severity and commonality. The poorly defined screening process that is required by these standards ensures that any employee could justify not coming to work nearly every single day if they so chose. It could also ensure that any employer would be forced to send any number of their workforce home nearly every single day, based on the responses reported by the employee. How many people who just read that have experienced a low grade fever, or a cough within the past 8 months? Did they all stay home from work each time? Did all of them get tested for COVID-19? If they got tested, did they get their results back in a timely fashion? Did they share those results? Never mind the fact that not everyone has paid sick time. Never mind the fact that businesses need employees to operate, employees need paychecks to provide for their families, and that employees are afraid to share their positive COVID-19 test. Beyond the employee screening, there are still customers who refuse to wear a mask in businesses and workers who are afraid of being assaulted simply because they had the audacity to remind the customer of the law. Even the local police department won't consistently wear face coverings in indoor settings despite the law because some of them (like many delusional Americans these days) believe the virus is a "hoax." How can we really expect an employee or a manager of an organization to feel confident that those same police will support them in removing somebody in the midst of a full-on "don't tread on me" tantrum because they want to buy their cigarettes without wearing a mask? It is safer for the business to hang a sign and not confront one of these people... their job doesn't pay them nearly enough to risk their life for it. Managers don't make enough money to confront a headstrong hoaxer either, and the only recourse is to call the police... and then wait for them to show up to essentially say the exact same thing only while wearing a badge and a gun. That's not exactly great for business and there isn't any enforceable action for a business beyond no-trespass orders to keep one of those people out of their business and back in their delusions and denial. But just let a couple of employees of one of those establishments get COVID-19 and suddenly the business is the site of an "outbreak," and an investigation by DOLI, despite their best efforts to enforce the law and their internal policy. Finally, to assume that this crisis is permanent places unnecessary burden on businesses and further escalates the fear of employees that they are unsafe at work. While all the presentations from all the consultancy firms (who are making a mint off these standards) have repeatedly said that the vast majority of businesses fall into the "Medium Risk" category, more and more employees are feeling unsafe without N95 respirators, face shields and gloves despite global shortages and the fact that those items should be reserved for people working directly with patients infected with COVID-19. It isn't enough to have someone complete an exposure level risk assessment and conclude that face coverings, sanitation/disinfection and social distancing is sufficient if the standard itself says face coverings aren't PPE and that every employee on Earth can point out situations where those three things might not work and file an anonymous complaint against their employer. I appreciate the intent of temporary standards and while many of them are incredibly burdensome and nearly impossible for DOLI to enforce (since their plan is to start any investigation by requesting a copy of the IDPR plan so they don't have to actually come on site), there is a solid benefit and community responsibility to protect the health of our workers and customers the best we can. But these cannot be permanent standards. This is not a permanent crisis nor can a business be expected to bear the full brunt of this level of scrutiny when the people these standards are implemented to protect are not under the constant supervision of businesses. My recommendation would be to continue with the existing temporary standard as is until the 5th month, and then extend it based on the relevant science of that time, the availability of information and the progress of vaccine availability. Virginia showed that it can lead the nation by developing these standards in the first place. Let it now lead by maintaining a continuous review process to ensure they are effective and not needlessly burdensome to Virginians doing their best to stay alive and stay afloat.	9/16/20 4:25 pm CommentID:84943
Ron Jenkins, Virginia Loggers Association	Provide Guidance Let Small Businesses Decide	Our medical, science and government leaders should strive to provide the best possible information about diseases and pandemics affecting the workplace environment. However, the business owners should be allowed to make their own decisions on which best practices are appropriate for their business. Regulations should not dictate over reaching mandates on employers. Instead, provide updated information and let business owners do the rest. Business owners do not need more regulations mandating what they must do and adding punitive liabilities for not choosing steps promoted by politics or bureaucracy. Employers should be accountable for their decisions but give them the right to use their best judgment. Updated education is needed - not more regulations!	9/17/20 12:44 pm CommentID:84956
Charles Davis: City of Norfolk Water Meter Mechanic Supervisor	Support for Permanent VOSH Standards	• My name is Charles Davis and I'm a Water Meter Mechanic Supervisor in the Department of Combined Utilities for the City of Norfolk. Since the outbreak of COVID19, there have been numerous concerns regarding adequate personal protection equipment and proper social distancing. I've watched the City relocate office personnel to adhere to social distancing practices, but out in the field it's not possible. The nature of work requires multiple employees to complete complex assignments. I support the proposed permanent standard for infectious disease prevention for COVID-19. The essential functions listed in our job description highlight the fact that we are subjected to **Communicable Diseases** several times a week, **Physical Danger**, and **Various Fumes** and odors daily. And as stated in the interview process "**<u>This is an Essential Position which means you may be required to work nights, weekends, and rotating shifts, and holidays in response to severe weather events and emergencies.</u>**" As a Supervisor, my personal Health and Safety as well as that of my colleagues, who provide daily Essential Public Services, are my priority. I'm forced to ask questions: How expendable am I? How is expendable is my crew? Or the families we all support? We are exposed daily to COVID-19 induced work environments. How does the City of Norfolk explain to the families of crew members when there is a loss of life due to exposure to COVID-19? It just happened recently! We lost one of our crew members... and guess what? The City did not tell us. The lack of empathy and the failure of preparation from department/division heads, who in some cases were also exposed and not properly vetted and/or quarantined themselves, is a major concern right now amongst my colleagues. Currently, there is no process to follow-up with workers exposed to COVID-19. The standard should also include a COVID-19 exposure log and requirements for managing cases.	9/17/20 4:14 pm CommentID:84961

		Please Help us. Support the Front Line Workers here in the City of Norfolk.	
Charles Davis: City of Norfolk General Utilities Maintenance Supervisor	Support for Permanent VOSH Standards	My name is Charles Davis and I'm a General Utilities Maintenance Supervisor in the Department of Combined Utilities for the City of Norfolk. Since the outbreak of COVID19, there have been numerous concerns regarding adequate personal protection equipment and proper social distancing. I've watched the City relocate office personnel to adhere to social distancing practices, but out in the field it's not possible. The nature of work requires multiple employees to complete complex assignments. I support the proposed permanent standard for infectious disease prevention for COVID-19. The essential functions listed in our job description highlight the fact that we are subjected to **Communicable Diseases** several times a week, **Physical Danger**, and **Various Fumes** and odors daily. And as stated in the interview process "**<u>This is an Essential Position which means you may be required to work nights, weekends, and rotating shifts, and holidays in response to severe weather events and emergencies.</u>**" As a Supervisor, my personal Health and Safety as well as that of my colleagues, who provide daily Essential Public Services, are my priority. I'm forced to ask questions: How expendable am I? How is expendable is my crew? Or the families we all support? We are exposed daily to COVID-19 induced work environments. How does the City of Norfolk explain to the families of crew members when there is a loss of life due to exposure to COVID-19? It just happened recently! We lost one of our crew members... and guess what? The City did not tell us. The lack of empathy and the failure of preparation from department/division heads, who in some cases were also exposed and not properly vetted and/or quarantined themselves, is a major concern right now amongst my colleagues. Currently, there is no process to follow-up with workers exposed to COVID-19. The standard should also include a COVID-19 exposure log and requirements for managing cases. Please Help us. Support the Front Line Workers here in the City of Norfolk.	9/17/20 4:38 pm CommentID:84963
Anonymous	A Permanent standard should only apply when the CDC or VDH declare a Pandemic	16VAC25-220 should only become permanent with the provision that it only requires employer to comply when the CDC and/or VDH have declared a infectous disease has become a pandemic.	9/17/20 8:16 pm CommentID:84969
Nick Vranak, VP Safety Corman-Kokosing	Opposed to VOSH permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes C	1. Objection to "<u>face covering</u>" requirements: a. At this time face coverings are a recommendation by the CDC. They are not any federal guidelines from the CDC, only recommendations. b. As the recommend CDC face covering are not an item of Personal Protective Equipment (PPE). (i.e., designed, tested and approved to an actual performance standard such as respiratory protection) what does VOSH deem an acceptable face covering and why? The wide range of what is considered an effective and acceptable face covering needs to be defined in the standard and not left to interpretation of a compliance officer. c. The wearing of a face covering is not defined. How to wear a face covering needs to be defined, as many wear it over their chin, mouth but not over their nose, etc. d. If the intent of VOSH is to regulate face coverings, the standard needs to clearly define the what is an acceptable face covering, and how it is to be worn, and medical conditions that would preclude one from the requirement. Not everyone can wear a respirator, and in many ways a face covering is as restrictive on ones breathing. If it is the intention of VOSH to enforce a face covering requirement, why not step up to making N95 Respirator Use (with exhale valves – not useable in the medical profession) the minimum requirement. Then employers could administer a program in compliance with the respiratory standard. 2. <u>Social Distancing</u> is the better control. In our industry (Heavy Civil Construction) we have been "essential" since the onset of the pandemic. We have the ability to social distance and this control is working, along with washing hands and wearing a face covering when social distancing greater than 6-feet is not feasible. Our companies work in many states and large urban city environments. Our positivity rate is under (but closer) to 1% than 5+% positive by head count. Of those team members that have tested positive a larger percentage of the group are office support personnel versus field personnel that would be required to wear a face covering even though they are able to practice social distancing. Every person does not need to wear a face covering in situations where social distancing can be established and maintained. 3. <u>Written Plan</u> - Having a requirement for a written plan is acceptable. It would be best for VOSH to provide a standard template as an appendix, to the standard to help promote consistency, and adaptation of all employers / businesses. a. If the intention of VOSH is to make compliance a citable offense, then VOSH needs to better define the who, what, where and when requirements better. In its present structure, the onus of the plan places the full responsibility on the employer to define controls that the CDC and VOSH have not defined. Then VOSH will inspect and cite if the employer if they do not follow their plan. It is the duty of VOSH, the State's Lead Health and Safety Organization to define the requirements in detail so that employers can actually meet the requirements and have a positive impact on the prevention of the spread. Without the necessary detail, low end plans will be implemented and have little impact but in theory be compliant. While higher end plans (stretch plans) will penalize employers that are really trying to do more than a minimum plan. Thereby creating an undo liability to employers. b. 4. <u>Training</u> is acceptable and necessary. Would like to see absolute clarity on the training expectations of VOSH. VOSH is very grey in this area, thereby leaving the matter up to employer to determine the minimum standard and then debate this with a compliance officer at a later date. 5. <u>Consultation versus Citation</u> - VOSH should also offer consultation and support services (including example documents) and spend more time on coaching and support of employers with this matter. VOSH needs to support businesses with planning, communication and training on social distancing, clean and sanitize practices, face covering use, and other best practices that can be used to reduce the spread. a. If there needs to be citations, then what is the intentions of VOSH with regards to them? They are not clearly defined in the purposed standard. OSHA typically publishes "instruction" for inspection procedures and enforcement. I'm very concerned that VOSH Compliance Officers will be allowed interpretation of the standard based on their opinion of the contractor's efforts and their opinion of compliance. b. Multi-Employer citations. We would not at all in agreement that any element of a Multi-Employer Doctrine being applied to this standard. General Contractors have very little direct control for subs, service providers, and vendors, beyond face coverings. With the vague and ambiguous nature of the purposed standard there is significant risk to employers.	9/21/20 10:07 am CommentID:85187
Anonymous	Premature Implementation	It is premature to permanently implement these standards.	9/21/20 10:36 am CommentID:85192
Anonymous	ASHRAE Disconnect and Other Remarks	The proposed section 16VAC25-220-50 references ANSI/ASHRAE Standards 62.1 and 62.2 (2019a, 2019b). However, the Virginia USBC utilizes the 2015 International Mechanical Code, which references ASHRAE 62.1-2013, which is two versions behind (i.e., 2016 and 2019). So buildings currently under design would likely not fully comply with the referenced 2019 standard. Older buildings designs may not be close to current building designs and equipment may not be capable of achieving the proposed standard. Note that "'Economic feasibility' means the employer is financially able to undertake the measures necessary to comply with one or more requirements in this standard. *The cost of corrective measures to be taken will not usually be considered as a factor in determining whether a violation of this standard has occurred. If an employer's level of compliance lags significantly behand of its industry, an employer's claim of economic infeasibility will not be accepted."* The term "industry" is undefined and is thus subject to varying interpretations and enforcements. E.g., consider two private schools, one with 600 students and a $10M endowment and one with 125 students and no endowment. Are they to be treated same because they are both in the private education "industry"? Note that "Building or facility owner" is defined as "the legal entity, *including a lessee*, that exercises control over management and record keeping functions relating to a building or facility in which activities covered by this standard take place." While the actual building owner might generally maintain and exercise such control, in a pre-existing lease, a lessee may have accepted such responsibility in exchange for a lower rent. Clearly, at the time of entering into the lease pre-Covid, the lessee had no reason to believe that it would face the types of obligations that would be imposed by this proposed standard, which could result in financial ruin for a small business. Outdoor air dilution is one aspect that is addressed in the proposed standard. However, did not see where filtration improvements (MERV 13 seems to be minimum industry recommendation) or UV lights in air-handling systems are addressed. There are vague references to "maintaining equipment." If one is to demonstrate compliance with ASHRAE 62.1, that would require an engineering analysis and an air balance.	9/21/20 2:04 pm CommentID:85205
James Whitehead	Reject the COVID Regulation	I urge those in power to reject the Permanent COVID regulation. This regulation has not met rigorous standards for implementation and it is not known with supporting data if the regulation will have any positive effects. One thing is certain most citizens are totally unaware of this regulation. Business owners would be blindsided. Enforcement? I don't think the Commonwealth has the regulatory resources to enforce this draconian measure. Resistance to the new regulation? You bet! Virginians are fed up with being told what to do when common sense is all that is needed.	9/21/20 3:24 pm CommentID:85210
Cathleen Cogdill	Strangling businesses will not bring them back-COVID is not permanent-stop trying to regulate it!	With another regulation comes another tipping point of no return. Businesses are open markets of opportunity for employees and customers alike. Virginia should not become a state of *in loco parentis*. We already have colleges and universities that struggle with controlling the students who did return to campus and do not live in our state for more than nine months at a time. However, businesses are now even at MORE risk with overwhelming scrutiny should either a consumer or employee become ill. The pandemic is being perpetuated as permanent and businesses are caught in the Catch 22. If multiple employees test positive, the business must also report to DOLI and VDH and then wear the SCARLET 'O' - outbreak! And with no way of really assessing the scope of that outbreak as employees are not housed by their employers. Moving around the Commonwealth is becoming an expensive game of pinball, not knowing who bumped into whom and got what from where. Correlation does not mean causation and if every ill person's employer is under investigation-no one will ever return to work. Can we dial it down? This is going to wreak havoc on our ability to function as the hub of businesses we all enjoy across all five regions of this great Commonwealth we all call home.	9/21/20 3:35 pm CommentID:85211
Pamela Mashburn	Amazing power grab	Covid is not going to be with us Permanently, so why are proposing Permanent regulations. Are we in a Democratic Republic or a Dictatorship?	9/21/20 4:30 pm CommentID:85214
Anonymous	Excessive regulation, implementation not thought out.	The proposed regulation is a permanent excessive expansion of regulations for a temporary situtation.	9/21/20 8:42 pm CommentID:85223
Fred Schoenfeld	small businesses do not need any more regulations!	Please do not impose another requirement on businesses... many have closed! We know what is best for our employees and guests, we are drowning in rules and regs now... trust that businesses know the right thing to do... we do not need Richmond to make our lives any harder!!!	9/21/20 9:59 pm CommentID:85227
Anonymous	exposed individuals	Please define an exposed individual as outlined on page 20 "a. *The employer's own employees who may have been exposed, within 24 hours of discovery of the employees possible exposure"* Are you using VDH definition of exposure or something else? This is causing a great deal of consternation amongst employees as to who should be notified.	9/22/20 5:01 am CommentID:85230
Craig DiSesa	Government Malfeasance	I am perplexed by the extent of the regulations without any data to back-up them up. The only thing that is blatantly obvious to me is that Virginia is trying to make the poor poorer and the rich richer. These regulations are a recipe for income inequality like we have never seen before.	9/22/20 7:24 am CommentID:85232
Ross Snare, Prince William Chamber of Commerce	Prince William Chamber is STRONGLY Opposed to DOLI Regulations becoming Permanent	*The Prince William Chamber is STRONGLY opposed to the Department of Labor and Industry's COVID-19 Regulations becoming permanent. In a time where some reports estimate that 20-25% of businesses will close forever, these regulations threaten to drive those numbers even higher.* *Businesses, especially small businesses, are already struggling to survive these hard economic times and these regulations only increase the burden on them. The business community had no real input when they were originally drafted and developed and when they were put in place. The regulations were developed too quickly and are incredibly broad in scope.*	9/22/20 10:17 am CommentID:85235

		On top of these regulations, the business community also needs to follow guidelines from the CDC, OSHA and there is guidance in the CARES ACT as well. Those regulations alone change almost week to week, increasing the amount of regulations that businesses will have to adhere to will only make a hard situation more difficult. *We also see the DOLI Regulations dramatically increasing the amount of litigation that will go to the courts. The have created a litany of reasons for filing a lawsuit, and a majority of those reasons are based on an individual's prospective, rather than on facts and the situation.* *Making the DOLI Regulations permanent will only hurt businesses as they try to move into "the new normal" that we find ourselves adjusting too.*	
Jon Harman	Do Not Support Making the ETS Permanent	As a highway construction contractor in Virginia, I do not support the proposal to make the ETS standards permanent. While we all understand the importance of ETS during this pandemic, it is causing a significant administrative burden for us as employers, particularly in the construction industry. We are currently having to divert resources from other other positions/tasks just to manage the process, and should it become permanent, it may force companies like ours to hire additional personnel, affecting not only our competitiveness, but also the costs to the Commonwealth. Below are several reasons why we do not support this proposal: 1. The symptoms of COVID-19 overlap with and are very similar to other common illnesses, such as the common cold and flu. However, the definition in the ETS regarding guidance of any cold/flu like symptoms is to first assume a "Presumptive positive" for COVID. This means that an employee experiencing symptoms must immediately quarantine for 10 days or until a doctor provides a written note stating that it is not a COVID concern, which doctors currently are hesitant to do. This affects use of the employees sick/vacation leave, impacts productivity, and also fosters an environment where employees could be hesitant to report symptoms or use leave they otherwise would. 2. The ETS makes a broad, general classification of Risk for construction companies based on numbers of employees, not specifically on the type of construction or type of project sites for the employees involved. As an example, a road construction site that is miles long with 50 employees spaced out in normal construction practices is very Low risk, but the company would be defined under a Medium risk classification. 3. ETS establishes company "Health officers" to become de facto certified, accredited, licensed doctors to diagnose symptoms and the health of employees. In doing so, they take on a form of liability regarding medical conditions without the required HIPAA or medical training. They also would necessarily become privy to private and personal employee health-related issues. 4. ETS limits the number of employees and manner of in-person training & certifications, to the point that they become unrealistic to perform virtually in the construction industry. OSHA, MSHA and CPR/first-aid training all require, and in some cases mandate, in person instruction and physical contact that contradicts the ETS standard. 5. There are additional risks and safety concerns created by the broad use of face coverings with employees where the risk is low and social distancing is easily achieved. As examples, face coverings/shields easily fog up safety glasses and create a larger safety hazard to the employee. Further, in hot weather conditions, face coverings contribute to the potential for heat-related illnesses, and worker discomfort. Face coverings also muffle the employees voice, and eliminate the visual interpretation of the person speaking. Each of these situations can affect overall worker safety.	9/22/20 11:22 am CommentID:85237
Lori O.	Oppose permanent standards for COVID for infectious disease prevention	Standards for COVID for infectious disease prevention should not be permanent.	9/22/20 11:46 am CommentID:85241
Dana	Oppose Permanent standards for COVID	Do not legislate permanent standards. This will not be a permanent situation and we need to stop all of the back and forth and confusion. Let's move forward.	9/22/20 11:57 am CommentID:85243
Emily Hasty, Hampton Roads Chamber	Hampton Roads Chamber Strongly Opposes Emergency Regulations Becoming Permanent	The Hampton Roads Chamber is a premier pro-business organization representing more than 400,000 members of Virginia's workforce. The Chamber supports public policies that strengthen free enterprise and regional collaboration efforts that promote economic development and conditions for businesses to succeed. The Hampton Roads Chamber is strongly opposed to the Department of Labor and Industry's COVID-19 emergency regulations becoming permanent. Businesses, especially small businesses, are already struggling to survive these hard economic times and regulations only increase the burden on them. In a time where some reports estimate that 20-25% of businesses will shut down permanently, these regulations threaten to drive those numbers even higher. The business community had no real input when they were originally drafted, developed, and when they were put in place. The regulations were developed too quickly and are incredibly broad in scope. On top of these regulations, the business community also follows guidelines from the CDC, OSHA, and guidance specified in the CARES Act. Those regulations alone change almost week to week. Increasing the number of regulations that businesses will have to adhere to, will only make a hard situation more difficult. The DOLI Regulations will dramatically increasing the amount of litigation that will go to the courts. They create a litany of reasons for filing a lawsuit, and a majority of those reasons are based on an individual's perspective, rather than on the facts. Making the DOLI Regulations permanent will only hurt businesses as they try to move into "the new normal" that we find ourselves adjusting to. While facing devastating economic conditions Virginia's businesses continue to keep the safety and health of their employees as their top priority. We respectfully request that you reject the proposed permanent emergency regulations.	9/22/20 12:00 pm CommentID:85244
Mark Gilvey	STRONGLY OPPOSED	The Prince William Chamber is STRONGLY opposed to the Department of Labor and Industry's COVID-19 Regulations becoming Permanent. In a time where some reports estimate that 20-25% of businesses will close forever, these regulations threaten to drive those numbers even higher. Businesses, especially small businesses, are already struggling to survive these hard economic times and these regulations only increase the burden on them. The business community had no real input when they were originally drafted and developed and when they were put in place. The regulations were developed too quickly and are incredibly broad in scope. On top of these regulations, the business community also needs to follow guidelines from the CDC, OSHA and there is guidance in the CARES ACT as well. Those regulations alone change almost week to week, increasing the amount of regulations that businesses will have to adhere to will only make a hard situation more difficult. We also see the DOLI Regulations dramatically increasing the amount of litigation that will go to the courts. The have created a litany of reasons for filing a lawsuit, and a majority of those reasons are based on an individual's prospective, rather than on facts and the situation. Making the DOLI Regulations permanent will only hurt businesses as they try to move into "the new normal" that we find ourselves adjusting too. We STRONGLY encourage all businesses to comment on the public comment page and request that the Board NOT make these Regulations Permanent! You can have your voice heard by clicking on the button below and making your own comment or by copying this message and pasting it into the public comment section.	9/22/20 12:04 pm CommentID:85245
Brenda Straits Moffett Paving & Excavating Corp	Oppose making ETS permanent	I oppose making the current ETS, in it's current form, permanent. It puts too much of a burden on small businesses that are already hurting from the shutdown due to Covid-19. It goes too far in making some things mandatory that should be up to the business what they do and not do. Another power grab by an already too powerful government.	9/22/20 12:06 pm CommentID:85246
Anonymous	Strongly Oppose COVID-19 Regulations becoming permanent	The Prince William Chamber is STRONGLY opposed to the Department of Labor and Industry's COVID-19 Regulations becoming Permanent. In a time where some reports estimate that 20-25% of businesses will close forever, these regulations threaten to drive those numbers even higher. Businesses, especially small businesses, are already struggling to survive these hard economic times and these regulations only increase the burden on them. The business community had no real input when they were originally drafted and developed and when they were put in place. The regulations were developed too quickly and are incredibly broad in scope. On top of these regulations, the business community also needs to follow guidelines from the CDC, OSHA and there is guidance in the CARES ACT as well. Those regulations alone change almost week to week, increasing the amount of regulations that businesses will have to adhere to will only make a hard situation more difficult. We also see the DOLI Regulations dramatically increasing the amount of litigation that will go to the courts. The have created a litany of reasons for filing a lawsuit, and a majority of those reasons are based on an individual's prospective, rather than on facts and the situation. Making the DOLI Regulations permanent will only hurt businesses as they try to move into "the new normal" that we find ourselves adjusting too.	9/22/20 12:14 pm CommentID:85247
Janine, Prince William Chamber of Commerce	Strongly Oppose	As a member of the Prince William Chamber of Commerce, I support their position of strong opposition, as follows: The Prince William Chamber is STRONGLY opposed to the Department of Labor and Industry's COVID-19 Regulations becoming Permanent. In a time where some reports estimate that 20-25% of businesses will close forever, these regulations threaten to drive those numbers even higher. Businesses, especially small businesses, are already struggling to survive these hard economic times and these regulations only increase the burden on them. The business community had no real input when they were originally drafted and developed and when they were put in place. The regulations were developed too quickly and are incredibly broad in scope. On top of these regulations, the business community also needs to follow guidelines from the CDC, OSHA and there is guidance in the CARES ACT as well. Those regulations alone change almost week to week, increasing the amount of regulations that businesses will have to adhere to will only make a hard situation more difficult. We also see the DOLI Regulations dramatically increasing the amount of litigation that will go to the courts. The have created a litany of reasons for filing a lawsuit, and a majority of those reasons are based on an individual's prospective, rather than on facts and the situation. Making the DOLI Regulations permanent will only hurt businesses as they try to move into "the new normal" that we find ourselves adjusting too. We STRONGLY encourage all businesses to comment on the public comment page and request that the Board NOT make these Regulations Permanent! Let's protect our freedom of speech and opportunities provided with free market capitalism that allow for small business to thrive and contribute to localized economy supporting community, individuals and families.	9/22/20 12:14 pm CommentID:85248
Andrea Van Wambeke	Opposed to Permanent Infectious Disease Standards	As a business in the hospitality community, we are strongly opposed to making requirements for infectious diseases permanent. None of our businesses were built to withstand constant restrictions like the ones we've seen over the last few months. We are all barely hanging on, and trying to make it through to a day when we can return to a more normal state of operations. We understand that COVID is a serious disease that requires alterations and increased safety requirements. However, we cannot withstand these requirements being made permanent and continuing past the immediate COVID threat. Thank you, Andrea Van Wambeke	9/22/20 12:15 pm CommentID:85249
Gayle Whitlock, Prince William Chamber of Commerce Chair-Elect	The Prince William Chamber is STRONGLY opposed to the Department of Labor and Industry's COVID-19 Re	The Prince William Chamber is **STRONGLY opposed to the Department of Labor and Industry's COVID-19 Regulations becoming Permanent**. *In a time where some reports estimate that 20-25% of businesses will close forever, these regulations threaten to drive those numbers even higher.* Businesses, especially small businesses, are already struggling to survive these hard economic times and these regulations only increase the burden on them. The business community had no real input when they were originally drafted and developed and when they were put in place. The regulations were developed too quickly and are incredibly broad in scope. On top of these regulations, the business community also needs to follow guidelines from the CDC, OSHA and there is guidance in the CARES ACT as well. Those regulations alone change almost week to week, increasing the amount of regulations that businesses will have to adhere to will only make a hard situation more difficult. We also see the DOLI Regulations dramatically increasing the amount of litigation that will go to the courts. The have created a litany of reasons for filing a lawsuit, and a majority of those reasons are based on an individual's prospective, rather than on facts and the situation. Making the DOLI Regulations permanent will only hurt businesses as they try to move into "the new normal" that we find ourselves adjusting too.	9/22/20 12:21 pm CommentID:85250
Coldwell Banker NOW	Strongly oppose	The proposal ignores the realities of small business needs and operations.	9/22/20 12:23 pm CommentID:85251
NOEL SWEENEY	VERY VERY OPPOSED TO PERMANENT INFECTIOUS DISEASE STANDARDS	As a business in the hospitality community, we are strongly opposed to making requirements for infectious diseases permanent. None of our businesses were built to withstand constant restrictions like the ones we've seen over the last few months. We are all barely hanging on, and trying to make it through to a day when we can return to a more normal state of operations. We understand that COVID is a serious disease that requires alterations and increased safety requirements. However, we cannot withstand these requirements being made permanent and continuing past the immediate COVID threat. Thank you,	9/22/20 12:25 pm CommentID:85252

		Andrea Van Wambeke	
Steve Daves, R.W. Murray Co.	Strongly Opposed	**I am STRONGLY opposed to the Department of Labor and Industry's Temporary COVID-19 Regulations becoming permanent**. Businesses, especially small businesses, are already struggling to survive during the current pandemic and the current challenging economic climate. These regulations only increase the burden on businesses without providing studied, documented and proven safety protections. The business community had no real input when they were originally drafted and developed and when they were put in place. The regulations were developed too quickly and have not been in place long enough to study/determine the effectiveness of the requirements. Now is not the time to make them permanent.	9/22/20 12:25 pm CommentID:85253
Heidi Wulf Realtor with RE/MAX	Department of Labor and Industry's COVID-19 Regulations becoming permanent	Worst thing you can do! I strong appose!	9/22/20 12:48 pm CommentID:85254
Ning Cappella, LLC	Strongly Opposed - setting up small business for bankruptcy	This could bankrupt a small employer who has fewer than 25 employees. To pay all this sick pay plus hire a temporary person to do the work is an overwhelming burden.	9/22/20 1:18 pm CommentID:85256
susan Jacobs	I STRONLY OPPOSED	I STRONLY OPPOSED to the Department of Labor and Industry's COVID-19 Regulations becoming Permanent. STOP HURTING OUR BSUINESS COMMUNITY	9/22/20 1:22 pm CommentID:85257
Jonathan Barbour, R.W. Murray	Strongly Opposed	Strongly opposed to these measures remaining in place.	9/22/20 1:33 pm CommentID:85258
Barry DuVal, Virginia Chamber of Commerce	Opposed to Permanent Standard	Dear Commissioner Davenport and Members of the Safety and Health Codes Board, The health and safety of our workforce and customers continue to be the top priority for businesses in the commonwealth during the ongoing pandemic. The business community supports clear and consistent workplace health protection protocols; **however, we remain concerned about the impact many of the provisions of the emergency temporary standards have on businesses and encourage you to not make them permanent.** However, if the Board does decide to move forward with a permanent standard, then several components of the standard will need to be tweaked to provide businesses with additional flexibility. We remain concerned that the emergency temporary standards, as currently written, contain several inconsistencies with state and federal regulations and some constitutional concerns. Below are some of the areas of the ETS that need attention if a permanent standard is pursued: 1. Amend § 10G to the agency's original language providing "safe harbor" for employers who follow CDC and OSHA guidance. 2. Strike the vague language mandating "flexible" sick leave policies. It is unconstitutionally vague and it exceeds the agency's statutory authority. 3. Strike requirements of owners of buildings and facilities to report COVID cases to employer tenants. It exceeds the intent of the Occupational Safety and Health (OSH) Act to require employers to provide employment and a place of employment that is free of recognized hazards. 4. Remove hand sanitizer as a requirement. Everywhere else, it is a substitute or a best practice. 5. Change language to apply hazard levels to job tasks instead of employers or industries. 6. Change the time-based return-to-work rule requiring three days of being symptom-free (following the ten-day period since the onset of symptoms) to one, consistent with the new CDC standard. 7. Eliminate the requirement to report positive cases to the Department of Health. Health care providers are already doing this. 8. Eliminate the redundant language regarding employee refusal to work because they feel unsafe. The criteria for protected work refusals are already in the Administrative Regulatory Manual. 9. Define "minimal contact." 10. Eliminate requirements to include business considerations (e.g., how to handle supply chain issues, cross-training to prepare for staff shortages) that have nothing to do with employee safety. 11. Ensure this regulation sunsets with the Governor's State of Emergency the way the ETS does. The Board should also consider the burden that making this standard permanent and adding additional provisions will have on businesses that continue to struggle with the economic consequences of this pandemic. Lastly, we continue to believe that enforcement of these provisions should be handled with understanding and leniency. Virginia businesses, many of which have been devastated by the economic impact of this pandemic, are working hard to remain safely operational for their workforce and customers; however, the shifting regulatory landscape continues to be a significant challenge, especially for Virginia's small businesses. As the Board considers making these standards permanent, it is our hope that they will refrain from overenforcement and not penalize businesses that have given a good faith effort in following these complicated rules that continue to change. Thank you for your consideration. Best regards, Barry E. DuVal President and CEO	9/22/20 1:34 pm CommentID:85259
John Massingill	No, a thousand times no.	I echo these comments "We already have four dragons breathing down our necks telling us what to do and what not to do (...[the] County Health Dept., VDH, CDC, the Governor's Executive Orders). My god, we can't even run our business for all the none-stop minutia raining down on us. The last thing we need is yet another (5th) dragon breathing down our necks …. telling us what to do. WE ALREADY KNOW WHAT TO DO!!! Stop this insanity now!!!" Get the boot of the Commonwealth off of small business' neck.	9/22/20 1:40 pm CommentID:85261
Holly Harrington	Srongly oppose COVID19 regulations becoming permanent	As a health care professional who has remained employed throughout the pandemic while adhering to CDC guidelines, I am strongly opposed to converting the current regulations from temporary in status to permanent. While the Nation is on the verge of releasing an FDA approved vaccine and our population has exhibited changed behaviors conducive to limiting/stopping the spread, the conversion will have an adverse impact on both businesses and families and quite frankly, is unwarranted	9/22/20 1:52 pm CommentID:85264
Anonymous	Permanent COVD legislation	Another poorly thought out bureaucratic nightmare from people who never had to run a business!	9/22/20 2:05 pm CommentID:85265
Brian Mason	Please stop Covid-19 proposal!	Please stop Covid-19 proposal!	9/22/20 2:50 pm CommentID:85270
Jonathan Shinkle	STRONGLY OPPOSED TO MAKING THESE REGULATIONS PERMANENT!	To whom it may concern: As a business member in the Commonwealth, I am strongly opposed to the idea of making these covid regulations permanent. This has already crushed small businesses in the state and prolonging these regulations is unnecessary and dramatically broad in scope. Businesses, especially small businesses, are already struggling to survive these hard economic times and these regulations only increase the burden on them. The business community had no real input when they were originally drafted and developed and when they were put in place. The regulations were developed too quickly and are incredibly broad in scope. On top of these regulations, the business community also needs to follow guidelines from the CDC, OSHA and there is guidance in the CARES ACT as well. Those regulations alone change almost week to week, increasing the amount of regulations that businesses will have to adhere to will only make a hard situation more difficult. We also see the DOLI Regulations dramatically increasing the amount of litigation that will go to the courts. The have created a litany of reasons for filing a lawsuit, and a majority of those reasons are based on an individual's prospective, rather than on facts and the situation. Making the DOLI Regulations permanent will only hurt businesses as they try to move into "the new normal" that we find ourselves adjusting too.	9/22/20 2:57 pm CommentID:85272
Cynthia Murray	Strongly opposed	I run a small business in Prince William County. We work hard to follow careful, thoughtful protocol to protect our employees and clients. This is a burden, but we understand it is necessary at this time. To make these precautions permanent would be overly burdensome. We are members of Prince William Chamber of Commerce. The Prince William Chamber is **STRONGLY opposed to the Department of Labor and Industry's COVID-19 Regulations becoming Permanent**. *In a time where some reports estimate that 20-25% of businesses will close forever, these regulations threaten to drive those numbers even higher.* Businesses, especially small businesses, are already struggling to survive these hard economic times and these regulations only increase the burden on them. The business community had no real input when they were originally drafted and developed and when they were put in place. The regulations were developed too quickly and are incredibly broad in scope. On top of these regulations, the business community also needs to follow guidelines from the CDC, OSHA and there is guidance in the CARES ACT as well. Those regulations alone change almost week to week, increasing the amount of regulations that businesses will have to adhere to will only make a hard situation more difficult. We also see the DOLI Regulations dramatically increasing the amount of litigation that will go to the courts. The have created a litany of reasons for filing a lawsuit, and a majority of those reasons are based on an individual's prospective, rather than on facts and the situation. Making the DOLI Regulations permanent will only hurt businesses as they try to move into "the new normal" that we find ourselves adjusting too.	9/22/20 3:22 pm CommentID:85277
UPS	Oppose	I strongly oppose	9/22/20 3:24 pm CommentID:85278
Virginia Brockwell, Anderson Brockwell Agency Inc	STRONGLY OPPOSE MAKING ETS for Covid Permanent	What you are proposing is overly burdensome, expensive and leaves employers open to needless litigation. There is also very little flexibility offered for employers that are not as exposed to the public as others. During a time when revenue is down, your proposal does not increase employee safety and endangers yet another workplace to going out of business.	9/22/20 3:29 pm CommentID:85282
tim smith	Strongly reject the idea!	Strongly reject the idea of making these guidelines permanent	9/22/20 3:31 pm CommentID:85283
Christina Bradley	Strongly oppose permanent ETS	*Dear Members of the Safety and Health Codes Board:* *I write to you to register my strong opposition to making the COVID-19 Emergency Temporary Standard (ETS) permanent.*	9/22/20 3:39 pm CommentID:85285

		Our business is committed to the safety and welfare of our customers, employees, and community. While the risk of COVID-19 transmission has not yet been eliminated, I harbor serious concerns that the currently enacted emergency measures are overly burdensome and will negatively affect our regional businesses' ability to continue operating if made permanent. Confusing and ambiguous language in the ETS, as well as ever-changing directives from various state and federal health authorities has made running a business in the most challenging of times even harder. *We will continue to make good faith efforts to keep our employees safe and follow public health best practices. Please support your local businesses and reject any extension of the Emergency Temporary Standard.*	
AC	Strongly Oppose	The vast majority of employers are keenly aware of the hazards related to COVID and are taking necessary precautions. All this does is require employers to spend more money on legal advice to be compliant instead of using that money for better resources--like staying in business.	9/22/20 3:42 pm CommentID:85287
Anonymous	Opposed to ETS Permancy	*Dear Members of the Safety and Health Codes Board:* *I am writing relative to my strong opposition to making the COVID-19 Emergency Temporary Standard (ETS) permanent.* *Our business is committed to the safety and welfare of our customers, employees, and community. While the risk of COVID-19 transmission has not yet been eliminated, I harbor serious concerns that the currently enacted emergency measures are overly burdensome and will negatively affect our regional businesses' ability to continue operating if made permanent. Confusing and ambiguous language in the ETS, as well as ever-changing directives from various state and federal health authorities has made running a business in the most challenging of times even harder.* *Our goal is to always ensure our employees are safe and follow public health best practices. Please support your local businesses and reject any extension of the Emergency Temporary Standard.*	9/22/20 3:44 pm CommentID:85288
Sam Lowman	Strongly oppose COVID 19 ETS being made permanent	*Dear Members of the Safety and Health Codes Board:* *I write to you to register my strong opposition to making the COVID-19 Emergency Temporary Standard (ETS) permanent.* *Our business is committed to the safety and welfare of our customers, employees, and community. While the risk of COVID-19 transmission has not yet been eliminated, I harbor serious concerns that the currently enacted emergency measures are overly burdensome and will negatively affect our regional businesses' ability to continue operating if made permanent. Confusing and ambiguous language in the ETS, as well as ever-changing directives from various state and federal health authorities has made running a business in the most challenging of times even harder.* *We will continue to make good faith efforts to keep our employees safe and follow public health best practices. Please support your local businesses and reject any extension of the Emergency Temporary Standard.* *Thank you for your consideration in this matter.*	9/22/20 3:45 pm CommentID:85290
Patrick T. Mooney	Adopt a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19,	**Strongly oppose permanent ETS** *Dear Members of the Safety and Health Codes Board:* *I write to you to register my strong opposition to making the COVID-19 Emergency Temporary Standard (ETS) permanent.* *Businesses are committed to the safety and welfare of customers, employees, and the community of patrons and always have been! While the risk of COVID-19 transmission has not yet been eliminated, I firmly believe that the currently enacted emergency measures are overly burdensome and have negatively affected our regional businesses' ability to continue operating. If made permanent many business that have been able to hang on up to now will go under.* *Confusing and ambiguous language in the ETS, as well as ever-changing directives from various state and federal health authorities has made running a business in the most challenging of times even harder.* *We will continue to make good faith efforts to keep our employees safe and follow public health best practices. Please support your local businesses and reject any extension of the Emergency Temporary Standard.*	9/22/20 3:45 pm CommentID:85291
Alice Webber, BLANCO, INC	Oppose making ETS permanent	*Dear Members of the Safety and Health Codes Board:* *I write to you to register my strong opposition to making the COVID-19 Emergency Temporary Standard (ETS) permanent.* *Our business is committed to the safety and welfare of our customers, employees, and community. While the risk of COVID-19 transmission has not yet been eliminated, I harbor serious concerns that the currently enacted emergency measures are overly burdensome and will negatively affect our regional businesses' ability to continue operating if made permanent. Confusing and ambiguous language in the ETS, as well as ever-changing directives from various state and federal health authorities has made running a business in the most challenging of times even harder.* *We will continue to make good faith efforts to keep our employees safe and follow public health best practices. Please support your local businesses and reject any extension of the Emergency Temporary Standard.* *Alice Webber* *BLANCO, INC* *Roanoke, VA*	9/22/20 3:47 pm CommentID:85292
Greg O'Brien	Strongly Opposed to DOLI regulations becoming permanant	As a small, yet *essential* business, our costs have skyrocketed, while our revenues have tanked. Making these increased regulations permanent, for a problem that is temporary, is grossly negligent. What's worse is, if it is done, costs of goods and services will have to increase by the actual cost, plus the necessary margin, in order to implement. There's no way that is good for Virginia.	9/22/20 3:47 pm CommentID:85293
Anonymous	Strongly Oppose making ES permanent!	Dear Members of the Safety and Health Codes Board: I write to you to register my strong opposition to making the COVID-19 Emergency Temporary Standard (ETS) permanent. Our business is committed to the safety and welfare of our customers, employees, and community. While the risk of COVID-19 transmission has not yet been eliminated, I harbor serious concerns that the currently enacted emergency measures are overly burdensome and will negatively affect our regional businesses' ability to continue operating if made permanent. Confusing and ambiguous language in the ETS, as well as ever-changing directives from various state and federal health authorities, has made running a business in the most challenging of times even harder. We will continue to make good faith efforts to keep our employees safe and follow public health best practices. Please support your local businesses and reject any extension of the Emergency Temporary Standard. Best Regards, Mark Maderic.	9/22/20 3:54 pm CommentID:85295
Robert Ferber	Strongly Oppose	Strongly oppose. Please do not add additional burdens to small businesses that are already struggling. This will cause unnecessary litigation. We all work hard to keep our employees, customers, and community safe.	9/22/20 3:55 pm CommentID:85296
Stephen Leisge, GAMBIT Management	Strongly oppose	Strongly oppose this imposition on businesses, which are following all CDC guidelines to the best of their abilities while trying to maintain an active business environment.	9/22/20 3:55 pm CommentID:85297
Scott Williams	I strongly oppose making the Emergency Regulations permanent.	I strongly oppose making the burdensome Emergency Regulations permanent. It is hard enough for employers to navigate through the world of COVID as is. Making the Emergency Regulations permanent will be a huge mistake, and will add another excessive burden for businesses. While the regulations may be well-intentioned, they will cause hardships for employers and make many decide to close up shop and say it is not worth it. Most small businesses in this state have been beaten down by the shutdowns and restrictions. Adding more and/or making them permanent will be a huge mistake and will do unrepairable harm to many, many businesses. Please do the right thing and don't make them permanent. Thank you,	9/22/20 3:57 pm CommentID:85298
Brian W Bowen Integrity Financial Planning Inc	Emergency Temporary Standard (ETS)	*Dear Members of the Safety and Health Codes Board:* *I write to you to register my strong opposition to making the COVID-19 Emergency Temporary Standard (ETS) permanent.* *Our business is committed to the safety and welfare of our customers, employees, and community. While the risk of COVID-19 transmission has not yet been eliminated, I harbor serious concerns that the currently enacted emergency measures are overly burdensome and will negatively affect our regional businesses' ability to continue operating if made permanent. Confusing and ambiguous language in the ETS, as well as ever-changing directives from various state and federal health authorities has made running a business in the most challenging of times even harder.* *We will continue to make good faith efforts to keep our employees safe and follow public health best practices. Please support your local businesses and reject any extension of the Emergency Temporary Standard.* Brian W Bowen Presdient of Integrit Financial Planning Inc.	9/22/20 3:58 pm CommentID:85299
David M Todd, President EZ Rampz/Mobility Solutions	ETS Overly Burdensome to Small Businesses	Dear Members of the Safety and Health Codes Board: As a small business owner for over 20 years I have never faced a more challenging time. I write to you to ask you not to make it even more challenging by making the COVID-19 Emergency Temporary Standard (ETS) permanent. My small business is committed to the safety and welfare of our customers, team members, and community. While the risk of COVID-19 transmission has not yet been eliminated, I harbor serious concerns that the currently enacted emergency measures are overly burdensome and will negatively affect our regional businesses' ability to continue operating if made permanent. The travel regulations are not feasible to businesses operating in other states. The confusing and ambiguous language in the ETS, as well as ever-changing directives from various state and federal health authorities has made a hard job even harder. My company works with the highest at risk population and we are diligently taking all prescribed precautions and we will continue to make good faith efforts to keep our employees safe and follow public health best practices. Please support your local businesses and reject any extension of the Emergency Temporary Standard. Sincerely, David M Todd	9/22/20 4:04 pm CommentID:85301
David O	Strongly oppose	Strongly oppose.	9/22/20 4:04 pm CommentID:85302
Kathy Seymore-Lanter, Varney, Inc.	Strongly Oppose the Emergency Temporary Standard proposal to make it permanent	Dear Members of the Safety and Health Codes Board, I write to you to register my strong opposition to making the COVID-19 Emergency Temporary Standard (ETS) permanent. Our business is committed to the safety and welfare of our customers, employees and community. While the risk of COVID-19 transmission has not yet been eliminated, I have serious concerns that the currently enacted emergency measures are overly burdensome and will negatively affect our regional businesses' ability to continue operating if made permanent. Confusing and ambiguous language in the ETS, as well as ever-changing directives from various state and federal health authorities has made running a business in the most challenging of times even harder. We will continue to make good faith efforts to keep our employees safe and follow public health best practices. Please support your local businesses and reject any extension of the Emergency Temporary Standard.	9/22/20 4:07 pm CommentID:85303
Titan Auto & Tire	Oppose permanent ETS	I oppose making ETS permanent. These temporary standards have caused great difficulty, including physical and emotional stress, also created an awkward work environment for our staff. In the automotive repair industry our employees are easily distanced 6 feet apart throughout the day. Social distancing of 6 feet between customers and staff is possible and simple to comply with. The mask also creates communication and safety issues between staff members due to muffling and being unable to see lips. Communication with customers has been hindered due to muffling and older customers not being able to understand our staff. Demanding businesses continue with masks permanently is outrageous.	9/22/20 4:13 pm CommentID:85304
Mitchell Kaneff	Reject the Extension of Emergency Temporary Standard	As the owner of a facility in Roanoke employing 200 residents, I am writing to register my strong opposition to allowing the COVID-19 Emergency Temporary Standard (ETS) to become permanent. I am already deeply committed to keeping my employees, customers, and community safe, but I worry that in time this currently enacted emergency measure will develop into an overly burdensome obstacle if it were to become permanent. Much of the language is ambiguous and directives are fluid and often difficult to fully comprehend. My company is dedicated to continuing in good faith to keep our people safe and to carefully - and assiduously - follow and comply with public health best practices. But to make the ETS permanent is an unnecessary move that will hurt local businesses and I am adamantly opposed to this extension. Thank you.	9/22/20 4:14 pm CommentID:85305

Mulford Mediation	Enough is Enough	Enough is Enough. Your burden is a heavy one. Get off the backs of Virginia businesses.	9/22/20 4:14 pm CommentID:85306
steve simpson	general notice 1137 DOLI ETS regulation	I think we need to wait for a vaccine or a cure . We have all taken precautions on our own for every other problem that has come along . We can spend ourselves out of business or be sued out of business by the fine print of a mandate and this in no way should be made permanent . Small business can not be held responsible for this kind of regulation. Personal responsibility falls on everyone , not totally on the backs of employers . How many employees bring a problem to work from their outside interactions and then it becomes the sole problem of the employer ?	9/22/20 4:27 pm CommentID:85310
Chris Carey	Please do not do this	Please do not make this standard permanent. It is to early to make this decision. Please wait until there is enough data to support this decision.	9/22/20 4:28 pm CommentID:85311
Alice Harris Coleman	oppose ETS	I strongly oppose this legislation. Our country has endured many new diseases and strains. This is definitely over reach.	9/22/20 4:30 pm CommentID:85312
Anonymous	COVID-19 ETS Unreasonable	I write to strongly oppose making the COVID-19 ETS permanent. The undue burden added to business is confusing and unrealistic. Additionally, healthcare organizations should be exempt from these types of orders due to the standard precautions already in place. Businesses are committed to the safety and welfare of their patrons and business owners need to be trusted to do the right thing to provide a safe environment.	9/22/20 4:32 pm CommentID:85313
Tyler Reece	oppose ETS	Strongly oppose. Infringement on my rights.	9/22/20 4:32 pm CommentID:85314
Taylor Justis	oppose	NO way!!	9/22/20 4:33 pm CommentID:85315
JC Tuck small business owner, for now at least	Strongly oppose. Free Virginia from the election Infection.	Strongly Oppose. If the legislators and other politicians had to endure the hardships they place on the people in the state that actually work and produce it would be a different story. While business after business are closing their doors you government employees use information not proven to be factual to make life harder on a daily basis. End the damaging Covid 19 restrictions now and put Virginia back to work. If the jobs and paychecks of the politicians were being lost this sham would have been over months ago.	9/22/20 4:36 pm CommentID:85316
STEPHEN HALL/COURTHOUSE SHELL	STRANGLING SMALL BUSINESS	I STRONGLY OPPOSE THIS. SMALL BUSINESSES HAVE DONE A GREAT JOB OF HANDLING THIS FROM MY OBSERVATIONS. YOU WILL RUIN MORE SMALL BUSINESS WITH YOUR OVER REGULATIONS.	9/22/20 4:39 pm CommentID:85317
S brown	STRONGLY OPPOSE. STOP STRANGLING SMALL BUSINESS	This is insanity. Do your job and listen to the citizens and listen to the business owners. NO NO NO. STRONGLY OPPOSE.	9/22/20 4:51 pm CommentID:85318
Anonymous	Oppose ETS becoming permanent	I oppose the ETS forced upon small businesses in Virginia. It puts a financial and mental burden on our staff, and in this time and age we need to make things easier for the small businesses of Virginia, not more difficult.	9/22/20 4:52 pm CommentID:85319
Dan, First Choice Auto	ETS	The ETS should NOT be made permanent. It is mostly common sense temporary things we do anyway. We do not need any more government overreaching. It causes us to spend way too much money on HR and legal compliance, takes away from running the business and makes us worry about the WRONG things. I think it can be counter productive.	9/22/20 4:55 pm CommentID:85320
Barrie Car Buck	Don't make a bad situation worse	Please don't add additional burdens on us small business owners. The past few months have been an ordeal for all of us, especially small business. To continue to mandate onerous ordinances on us will leave us open to DOLI audits and penalties or perhaps even legal action.	9/22/20 4:55 pm CommentID:85321
Diane Bennett, Bennett Insurance	Do not make Covid-19 Regs Permanent	Covid-19 regulations were supposed to be temporary. Making them permanent will strangle businesses trying to survive. Our economy depends on business productivity, stop trying to strangle the nation's economic engines.	9/22/20 4:59 pm CommentID:85324
Deborah E West	Strongly Oppose ETS becoming permanent	This would be an undue burden to small business. It would open the door to unwarranted litigation Small business is already struggling to survive. We STRONGLY OPPOSE.	9/22/20 4:59 pm CommentID:85325
Neal Keesee, Owner of Multiple Restaurants	Strongly Oppose	In my opinion, this legislation was reactive and not well thought out. Small business already face tremendous regulatory oversight on many fronts. In almost every small business employees are protected and treated fairly and almost like family. Furthermore, compliance with this law as written is not feasible or practicable.	9/22/20 5:04 pm CommentID:85326
Stephen Piscitelli	Overreach by temporary authority to make restrictions permanent	It is a travesty for anyone to overreach their authority in violation of our right to the persuit of happiness life and liberty according to our consititutional rights because of arbitrary decisions of unelected officials concerning our welfare against our own will.	9/22/20 5:10 pm CommentID:85327
Mary Coles	OPPOSE making ETS permanent!	Please OPPOSE making ETS permanent. DOLI is going to KILL Virginia Small Business and totally destroy Virginia's ranking as a good place to do business!	9/22/20 5:15 pm CommentID:85328
David Edwards	ETS permanent	The ETS is overreach as it is! To make these regulations permanent will KILL small businesses! This CANNOT happen.	9/22/20 5:16 pm CommentID:85329
Chuck Shifflett	Strongly oppose ETS Reg as Permanent	Making the ETS Regulation permanent would put an undue / unfair burden on the businesses of our State. The amount of money, time and energy spent complying short term is even too much. No one expects this Pandemic to last forever and therefore we should not be forced to comply with further regulation forever.	9/22/20 5:25 pm CommentID:85331
Fritz's Car Care Inc.	ETS	oppose ETS regs, hurts small biz with over regs	9/22/20 5:31 pm CommentID:85332
Suzan D. Herskowitz, Suzan D. Herskowitz, P.L.L.C.	In favor of making some of the ETS standards permanent	I am an employer and while I understand that businesses want to be open, we have to keep ourselves and our employees safe. We also have to keep our customers and clients safe. I am in favor of making the following provisions of the ETS permanent: Keep requirement for hand sanitizer. Keep flexible sick leave language. Require landlords to inform employer tenants of covid positive cases in the building. Require employers to report to VDH. If someone lives out of state or is tested out of state, that will not otherwise be reported in Virginia. Do not change the return to work rule regarding being symptom free, otherwise change it to comply with the CDC guidelines. Thank you.	9/22/20 5:31 pm CommentID:85333
Tim CLark, Blair Construction	Oppose	Our family business opposes these additional burdens on employers during this challenging economic time. The health and safety of our workforce and customers continue to be the top priority for businesses in the commonwealth during the ongoing pandemic. And while the we supports clear and consistent workplace health protection protocols; we remain concerned about the impact many of the provisions of the ETS are having on businesses and encourage the Board to not make them permanent.	9/22/20 5:35 pm CommentID:85334
A Barbour	Strongly Oppose!	**As a small business owner already dealing with too much government regulation, I absolutely oppose this bill.**	9/22/20 6:07 pm CommentID:85337
RAY BOWES	WEARING MASK	WE ARE OPPOSED TO THIS. LET US GET THRU THE PRESENT BUT WE ADD TO THE FUTURE	9/22/20 6:37 pm CommentID:85338
DownHome Pharmacy	OPPOSE	As a small independent pharmacy and family owned business we oppose these additional burdens on employers during this challenging economic time. The health and safety of our employees and customers continue to be our top priority. We do support clear and consistent workplace health protection protocols; we are concerned about the impact many of the provisions of the ETS are having on businesses and encourage the Board to not make them permanent.	9/22/20 6:43 pm CommentID:85339
Elizabeth Block	Strongly Opposed	Our economy is driven by small business, and these businesses will close forever and will be considered too risky to open should the Department of Labor and Industry's COVID-19 Regulations becoming Permanent. Commercial real estate will be rendered useless and empty with debt that would not be paid. Do not take Covid as a precedence to what should be. The over powering regulations of health departments infringe upon the freedom to live normal lives. Our children's mental and physical health will suffer, in addition to the health and welfare of others. We are also not meant to live so removed from others, or to live in fear. Please do not make Covid-19 Regulations permanent for infectious disease, which by the way, could be any illness depending on how loosely the Department of Health wishes to define it. I strongly oppose.	9/22/20 6:48 pm CommentID:85340
J Bucaro	Oppose	Strongly oppose. Just more government regulations that have unintended consequences	9/22/20 6:52 pm CommentID:85341
Adam Dean	Strongly Oppose	Our economy is driven by small business, and these businesses will close forever and will be considered too risky to open should the Department of Labor and Industry's COVID-19 Regulations becoming Permanent. Commercial real estate will be rendered useless and empty with debt that would not be paid. Do not take Covid as a precedence to what should be. The over powering regulations of health departments infringe upon the freedom to live normal lives. Our children's mental and physical health will suffer, in addition to the health and welfare of others. We are also not meant to live so removed from others, or to live in fear. Please do not make Covid-19 Regulations permanent for infectious disease, which by the way, could be any illness depending on how loosely the Department of Health wishes to define it. I strongly oppose.	9/22/20 7:07 pm CommentID:85343
Anonymous	Against government oversight	Against these regulations. Let businesses freedom to choose what methods to follow. employees and patrons can work/shop elsewhere if they don't agree. Virginia is an at will state for employment and no one is required to stay at a job they disagree with.	9/22/20 7:07 pm CommentID:85344
Gary Walker, Cabo Fish Taco	Strongly oppose	We strongly oppose. Some trust should be afforded the VA business community without constantly passing more and more regulations that are rash and poorly constructed. If this moves forward please take the VA Chamber's letter of opposition and suggested actions as my opinion and recommendation. Thanks, Gary Walker	9/22/20 7:08 pm CommentID:85345
Kathleen Washburn, Massage Envy, Roanoke	Strongly appose	Dear Members of the Safety and Health Codes Board: I write to you to register my strong opposition to making the COVID-19 Emergency Temporary Standard (ETS) permanent. Our business is committed to the safety and welfare of our customers, employees, and community. While the risk of COVID-19 transmission has not yet been eliminated, I harbor serious concerns that the currently enacted emergency measures are overly burdensome and will negatively affect our regional businesses' ability to continue operating if made permanent. Confusing and ambiguous language in the ETS, as well as ever-changing directives from various state and federal health authorities has made running a business in the most challenging of times even harder. We will continue to make good faith efforts to keep our employees safe and follow public health best practices. Please support your local businesses and reject any extension of the Emergency Temporary Standard. Kathleen Washburn	9/22/20 8:10 pm CommentID:85350
Copper Kettle	I strongly oppose DOLI position on the adoption of permament standard for Infectious Desease Prev	I support the VA Chamber of Commerce position that we should not make permament the the Temporary Standard for Infectious Disease Prevention. I own two restaurants that struggle every day to keep the doors open with the currecnt restriction. I m in negative cash flow and take monet out of my saving every month to keep the doors open. Adding an addition layerof regulation to a permenamt basis, makes no sense to me and may cause me to go out of business. Extend the temporary order for as long as necessary and let us work thru this. Respectfully submitted Tim Reith	9/22/20 8:17 pm CommentID:85352
Richards Pharmacy	I oppose making DOLI Regulations permanent.	I oppose making DOLI Regulations permanent.	9/22/20 9:34 pm CommentID:85358
Anonymous	The last thing we need is more government rules telling us what to do.	We need less government, not more, in our lives telling us how to run our businesses. We have made the investments and have the costs, not the bureaucrats.	9/22/20 9:42 pm CommentID:85360
Anonymous	I strongly oppose the extension	Dear Members of the Safety and Health Codes Board: I write to you to register my strong opposition to making the COVID-19 Emergency Temporary Standard (ETS) permanent. Our business is committed to the safety and welfare of our customers, employees, and community. While the risk of COVID-19 transmission has not yet been eliminated, I harbor serious concerns that the	9/22/20 9:59 pm CommentID:85361

		currently enacted emergency measures are overly burdensome and will negatively affect our regional businesses' ability to continue operating if made permanent. Confusing and ambiguous language in the ETS, as well as ever-changing directives from various state and federal health authorities has made running a business in the most challenging of times even harder. We will continue to make good faith efforts to keep our employees safe and follow public health best practices. Please support your local businesses and reject any extension of the Emergency Temporary Standard. _____	
Julie Holmes, Virginia Tire & Atuo	Strongly oppose making the current ETS regulations permanent	Strongly oppose making the current ETS regulations permanent.	9/22/20 10:20 pm CommentID:85363
STEVEN CRAWFORD, HEPNER TIRE AND AUTO, WOODSTOCK	.	ANOTHER GOVERNMENT ONUS..."SOCIALISM IS FOR THE PEOPLE, NOT THE SOCIALISTS!"	9/23/20 5:43 am CommentID:85367
BLUE OCEAN BUYING GROUP	ANOTHER GOVERNMENT ONUS...	"SOCIALISM IS FOR THE PEOPLE, NOT THE SOCIALISTS!"	9/23/20 5:46 am CommentID:85368
Danny Funderburk	TPS	TPS began as a temporary protection to those displaced by natural disaster or violence in their home countries. This program has remained in place for decades. Children have been born and raised in this country with little or no connection to the home of their parents. It is bad policy to leave people in political limbo this long and worse policy to send them back to a country still unsafe and unreceptive. Allowing this policy to lapse is wrong morally. It is wrong for humanitarian reasons. It is wrong for ethical reasons. It is wrong for economic reasons. These families have made a way of life for themselves and are contributing to the fabric and finances of our country. Their children have been born and raised in this country and are Americans by definition. The parents work for companies like mine, many having worked 15 years or longer. They are foremen, they include entire crews, whose elimination would be difficult-if not impossible to replace. I suggest we replace the policy-not the people. Do it for them, do it for us. Do it to support the continued economic growth. Do it for any or all of these reasons. Just do it!	9/23/20 6:06 am CommentID:85369
Scott's Ivy Exxon	I OPPOSE DOLI PROPOSAL	I oppose making the regulations permanent.	9/23/20 7:09 am CommentID:85370
Jimmie K. Crowder Crowder-Hite-Crews	DOLI Regulation	Please do not make this permanent.	9/23/20 7:28 am CommentID:85371
J. Smith	I strongly oppose	These are government overreach in terms of privately owned and operated corporations and small businesses. Keep government intervention out of small business - all these ridiculous regulations will do is force closures and unemployment of thousands - in no world is this sort of financial obligation sustainable. Do not use this pandemic to takeover private enterprise - you will effectively kill entrepreneurship! Do not make these permanent	9/23/20 7:58 am CommentID:85375
Jim McAden	Opposition to COVID-19 ETS	Honorable members of the Safety and Health Codes Board: Since the outset of this pandemic we have been following guidance provided by the CDC, the WHO, and VDH. These organizations are best prepared to advise citizens, employees and employers about the measures that should be instituted to protect the health of employees. The ETS have been confusing and, in some cases, contradictory to other guidance. As employers, our number one concern is the health and safety of our employees. The fact that Virginia is the only state to have passed similar legislation should be a clue that the regulation is unnecessary and overly burdensome to Virginia businesses. We are committed to doing whatever we can to keep our employees safe and follow best practices as advised by public health agencies. Please support Virginia businesses by rejecting any extension of the ETS.	9/23/20 8:02 am CommentID:85376
Dave Jenkins	Oppose	This is simply not needed on a permanent basis. It's burden on anyone in business particularly those in Customer service. I can't understand a word anyone is saying thru these things and have to ask multiple times what they are saying to the point of asking people to spell out. Just another burden on business functions imposed by the ruling party in Richmond. Dumb and dumber.	9/23/20 8:11 am CommentID:85377
Robert Saunders	smaller government	Strongly oppose.	9/23/20 8:22 am CommentID:85379
Mary Finnigan	Strongly oppose	Strongly oppose making these regulations, which has created an unnecessary burden on businesses, permanent. It is unnecessary to have additional regulations/laws. We already have OSHA, CDC recommendations, and the CARES Act.	9/23/20 8:31 am CommentID:85381
JOSEPH H KALKSTEIN	Permanent ETS regulations	I strongly oppose making the ETS regulations permanent.	9/23/20 8:32 am CommentID:85382
Tracey	opposed	I am opposed to making the ETS permanent. It is burdensome for employers and customers. We need life to return to normal.	9/23/20 8:38 am CommentID:85383
Anonymous	NO TO PERMENENT REGULATION!	Temporary Regulation is ok, But Permanent is too far!	9/23/20 8:44 am CommentID:85386
Adam Fried	DOLI	Opposed	9/23/20 8:46 am CommentID:85387
Taunya Gardner	DOLI - Opposed	Opposed to DOLI regulation	9/23/20 8:52 am CommentID:85388
Craig Botetourt Electric Cooiperative	DOLI Regulation Extension	*Dear Members of the Safety and Health Codes Board:* *I write to you to register my strong opposition to making the COVID-19 Emergency Temporary Standard (ETS) permanent.* *Our business is committed to the safety and welfare of our customers, employees, and community. While the risk of COVID-19 transmission has not yet been eliminated, I harbor serious concerns that the currently enacted emergency measures are overly burdensome and will negatively affect our regional businesses' ability to continue operating if made permanent. Confusing and ambiguous language in the ETS, as well as ever-changing directives from various state and federal health authorities has made running a business in the most challenging of times even harder.* *We will continue to make good faith efforts to keep our employees safe and follow public health best practices. Please support your local businesses and reject any extension of the Emergency Temporary Standard.*	9/23/20 8:56 am CommentID:85389
Dan Craddock	Opposed	Must adjust verbiage to better support small business growth. Opposed to current guidelines becoming permanent.	9/23/20 9:06 am CommentID:85393
Richard Furnival	I strongly oppose	I oppose making these draconian measures permanent. Business are struggling, and this is not necessary.	9/23/20 9:21 am CommentID:85396
Allen Harrison	STRONGLY oppose!	Please do not make these regulations permanent. This is unnecessary and another burden on all businesses, especially small businesses.	9/23/20 9:24 am CommentID:85397
Anonymous	Absolutely Opposed	**Stop this useless regulation**. As a business owner I know that it is in my best interest to establish the appropriate safety practices to protect my valuable business assets - my staff and my customers, and we did so at the beginning of this crisis. I don't need DOLI to regulate this just to justify their existence.	9/23/20 9:29 am CommentID:85398
BATTLEFIELD HOMES INC	Covid 19 restrictions	strongly oppose continuing restrictions	9/23/20 9:35 am CommentID:85399
Service Tire & Battery, Inc.	I oppose making DOLI Regulations permanent.	It's hard enough being a small business these days. Hard to tell our customers that you have to wear a mask while inside our building, when they don't want to. Some get upset and leave. It's hard to understand some customers tell us what they need done to their vehicles while wearing mask. We oppose making this regulation permanent!	9/23/20 9:35 am CommentID:85400
Anonymous	Opposed to ETS Permanency	**Opposed to ETS Permancy** *Dear Members of the Safety and Health Codes Board:* *I am writing relative to my strong opposition to making the COVID-19 Emergency Temporary Standard (ETS) permanent.* *Our business is committed to the safety and welfare of our customers, employees, and community. While the risk of COVID-19 transmission has not yet been eliminated, I harbor serious concerns that the currently enacted emergency measures are overly burdensome and will negatively affect our regional businesses' ability to continue operating if made permanent. Confusing and ambiguous language in the ETS, as well as ever-changing directives from various state and federal health authorities has made running a business in the most challenging of times even harder.* *Our goal is to always ensure our employees are safe and follow public health best practices. Please support your local businesses and reject any extension of the Emergency Temporary Standard.*	9/23/20 9:36 am CommentID:85401
Chris Brown, Benny Marconi's	Definitely oppose	Trust your businesses and support them. We know the public and what's best for them because we have to do what's best for them to survive.	9/23/20 9:40 am CommentID:85402
Anonymous	Opposed to Permanent Restrictions	I am opposed to DOLI making the Emergency Temporary Standard permanent. It restricts doing business normally.	9/23/20 9:42 am CommentID:85403
Mark Anderton	Opposed	DOLI should be required to provide evidence that this and other regulations are cost effective. Can you show that this has helped "stop the spread?" I suspect that the fines and penalties imposed by your cadre of inspectors are the justification for continuing this regulation.	9/23/20 9:47 am CommentID:85404
Anonymous	Oppose covid restrictions	I absolutely oppose the current restriction as well any even the thought of making them permanent. This is absolutely ridiculous and its time for this BS to go away, and that is what it is, BS. There will always be sick people and wearing a mask is never going to change that, if you think it will you are fooling yourself. Get over it already!!	9/23/20 9:53 am CommentID:85406
Anonymous	Oppose	Dear Members of the Safety and Health Codes Board: I write to you to register my strong opposition to making the COVID-19 Emergency Temporary Standard (ETS) permanent. Our business is committed to the safety and welfare of our customers, employees, and community. While the risk of COVID-19 transmission has not yet been eliminated, I harbor serious concerns that the currently enacted emergency measures are overly burdensome and will negatively affect our regional businesses' ability to continue operating if made permanent. Confusing and ambiguous language in the ETS, as well as ever-changing directives from various state and federal health authorities has made running a business in the most challenging of times even harder. We will continue to make good faith efforts to keep our employees safe and follow public health best practices. Please support your local businesses and reject any extension of the Emergency Temporary Standard.	9/23/20 9:54 am CommentID:85407
Anonymous	Opposed to Permanent Restrictions	*Dear Members of the Safety and Health Codes Board:* *I am writing to you to share my strong opposition to making the COVID-19 Emergency Temporary Standard (ETS) permanent.* *Our business is committed to the safety and welfare of our customers, employees, and community. While the risk of COVID-19 transmission has not yet been eliminated, I harbor serious concerns that the currently enacted emergency measures are overly burdensome and will negatively affect our regional businesses' ability to continue operating if made permanent. Confusing and ambiguous language in the ETS, as well as ever-*	9/23/20 10:02 am CommentID:85409

		changing directives from various state and federal health authorities has made running a business in the most challenging of times even harder. *We will continue to make good faith efforts to keep our employees safe and follow public health best practices. Please support your local businesses and reject any extension of the Emergency Temporary Standard.*	
Laura Clark	No to making permanent, use National Emergency declaration instead	I read through the regulations and although safety of all citizens is absolutely necessary during this crises, making them permanent regulations does not make sense. It not only overburdens the employer, but it does not take into account the evolution of a vaccine and any other mitigating severity of the disease. It think replacing the temporary regulations with the same timeline as the US DOL where the guideline used for COBRA law based on the National Emergency "Outbreak Period", is adequate and a better solution. So, when the outbreak period is declared to be ended, the regulations end or within 60 days thereafter.	9/23/20 10:07 am CommentID:85411
Eddie Gupton	Oppose Extending Temporary Standard	*Dear Members of the Safety and Health Codes Board:* *I write to you to register my strong opposition to making the COVID-19 Emergency Temporary Standard (ETS) permanent.* *Our business is committed to the safety and welfare of our customers, employees, and community. While the risk of COVID-19 transmission has not yet been eliminated, I harbor serious concerns that the currently enacted emergency measures are overly burdensome and will negatively affect our regional businesses' ability to continue operating if made permanent. Confusing and ambiguous language in the ETS, as well as ever-changing directives from various state and federal health authorities has made running a business in the most challenging of times even harder.* *We will continue to make good faith efforts to keep our employees safe and follow public health best practices. Please support your local businesses and reject any extension of the Emergency Temporary Standard.* Regards, Eddie Gupton	9/23/20 10:12 am CommentID:85412
David	Against Long Term Extension	1. Amend § 10G to the agency's original language providing "safe harbor" for employers who follow CDC and OSHA guidance. 2. Strike the vague language mandating "flexible" sick leave policies. It is unconstitutionally vague and it exceeds the agency's statutory authority. 3. Strike requirements of owners of buildings and facilities to report COVID cases to employer tenants. It exceeds the intent of the Occupational Safety and Health (OSH) Act to require employers to provide employment and a place of employment that is free of recognized hazards. 4. Remove hand sanitizer as a requirement. Everywhere else, it is a substitute or a best practice. 5. Change language to apply hazard levels to job tasks instead of employers or industries. 6. Change the time-based return-to-work rule requiring three days of being symptom-free (following the ten-day period since the onset of symptoms) to one, consistent with the new CDC standard. 7. Eliminate the requirement to report positive cases to the Department of Health. Health care providers are already doing this. 8. Eliminate the redundant language regarding employee refusal to work because they feel unsafe. The criteria for protected work refusals are already in the Administrative Regulatory Manual. 9. Define "minimal contact." 10. Eliminate requirements to include business considerations (e.g., how to handle supply chain issues, cross-training to prepare for staff shortages) that have nothing to do with employee safety.	9/23/20 10:13 am CommentID:85413
Stasia Jolley	OPPOSE	Oppose permanent enforcement	9/23/20 10:21 am CommentID:85414
Ron	Oppose the Extension	do not extend Long Term the Permanent Covid measures	9/23/20 10:35 am CommentID:85416
Palmer Gosnell Hospitality	Opposed	Please do not extend the ETS, this could be a burden that puts the end to many business trying to hold on until this is over. Brian Cook VP of Operations Palmer Gosnell Hospitality	9/23/20 10:51 am CommentID:85420
Tony Abedy	I Oppose	I oppose the new bill	9/23/20 10:52 am CommentID:85421
Scott Hine, Fredericksburg Area Builders Association	Strongly Oppose this idea.	This is an overly restrictive government intrusion into how private businesses operate.	9/23/20 10:56 am CommentID:85424
Anonymous	Strongly Oppose	I strongly oppose the extension for the ETS. The burden is becoming too great to continue doing business. Both the federal and state governments have put too much burden on business with the response to COVID. Please show me where in the constitution at the federal or state levels that business is responsible for supporting the public during a pandemic or any other emergency. If the government feels that something is necessary to support the public then the government needs to bear the burden and whatever law or executive order put in place needs to be sunsetted to prevent the permanent additional growth of government as the result of a temporary issue.	9/23/20 10:59 am CommentID:85429
Tinh Phan Virginia Asian Chamber of Commerce	strongly oppose	Strongly oppose to making this a permanent regulation. While businesses are struggling to survive, they do not need to have another regulation around their necks. They and their employees have worked hard in pandemic time to survive, following guidelines to wear face masks, social distance, washing hands to protect themselves while working, we shall leave them alone especially from any permanent regulations that they already followed on a voluntary basis. They are those who should claim credit for protecting themselves, not the government.	9/23/20 11:04 am CommentID:85430
A. W. Harrison	Opposed	Using today's available stats, .016% of Virginians have gotten COVID-19. .02% of *those* (or .0003% of VA's population) have died with it. Burdening businesses further will lead to a plethora of problems and *types* of problems. Trust our businesses to take appropriate measures, and trust our people to use their heads. Issue *guidelines*, not dictates. We are not children.	9/23/20 11:09 am CommentID:85432
Chris	oppose	Strongly oppose!!!!!!!	9/23/20 11:11 am CommentID:85435
Anonymous	Temporary Emergency Standard	Totally opposed to the standard becoming permanent	9/23/20 11:24 am CommentID:85437
Jason A Hartman, Brown Edwards	Strongly oppose	I am opposed to making the COVID-19 Emergency Temporary Standard permanent. We will continue our good faith efforts to keep our employees and clients safe and follow public health best practices.	9/23/20 11:29 am CommentID:85441
Anonymous	STRONGLY OPPOSE!	Using your very own stats .016% of VA residence have acquired the chinese virus. Of those only .02% of .016% have died! We are not stupid, we don't need the VA govt to tell us how avoid this. You all do this an businesses will vote you all out!	9/23/20 11:45 am CommentID:85445
Eric Watkins	Opposed to extension	I am opposed to making the COVID-19 Emergency Temporary Standard permanent. We will continue our good faith efforts to keep our employees and clients safe and follow public health best practices.	9/23/20 11:48 am CommentID:85446
Melina Davis, The Medical Society of Virginia	RE: Comments on 16 VAC 25-220, Permanent Standard for Infectious Disease Prevention: SARS-CoV-2	On behalf of the Medical Society of Virginia (MSV), I am providing the following comments on 16 VAC 25-220, the permanent standard for COVID-19 prevention and mitigation in the workplace. Physicians and physician assistants have been on the front lines fighting the spread of COVID-19 in Virginia for more than six months. Medical practices have implemented extensive measures and follow detailed requirements and guidelines set forth by the Department of Health and Human Services (HHS), Centers for Disease Control and Prevention (CDC), Virginia Department of Health (VDH), and the Virginia Department of Labor and Industry (DOLI) to prevent, mitigate, and control the spread of COVID-19 in communities across the Commonwealth. We are grateful for the work put in by the Safety and Health Codes Board on the Emergency Temporary Standard, but we have several concerns with the draft permanent standard as written and the potential burden in could put on MSV members beyond the emergency period. Accordingly, as it considers the implementation of a permanent standard, we respectfully request that the Safety and Health Codes Board: 1) eliminate the requirement for employers to report positive SARS-CoV-2 test results to VDH; 2) clarify the return to work requirements regarding the test-based strategy; and 3) clarify the applicability of the permanent standard so that it is only in effect during a declared public health emergency related to COVID-19. First, under the CARES Act, all clinical laboratories and testing providers in Virginia, many of which are physician practices, are required to report the results of any test to detect SARS-CoV-2 to VDH. As such, all positive tests are already being reported to VDH by the testing provider. Requiring an employer to report the test result to VDH in addition to that is duplicative and unnecessarily burdensome. We respectfully request this requirement be removed from the permanent standard. Second, the draft permanent standard's test-based strategy for "Return to Work" is in conflict with recommendations from VDH and CDC. The draft permanent standard requires employers to select either a test-based strategy or a non-test-based strategy for determining whether employees known to be infected with SARS-CoV-2 can return to work. The test-based strategy would require the employee to have obtained two negative test results more than 24 hours apart. The problem is that a person may test positive for the virus for up to 120 days after being infected, even though the person is no longer infectious and the virus contagious after 10-20 days, depending on the severity.[1] Therefore, VDH and CDC recommend that a person who tests positive for SARS-CoV-2 not be tested again within three months. However, if an employer chooses to use the test-based strategy to determine whether employees can return to work, those employees could be absent from work unnecessarily for up to three months. In such a case, the employee would be forced to take unpaid leave if they do not have enough paid time off to cover the period beyond that which is required under the Families First Coronavirus Response Act and the Family and Medical Leave Act. Although the draft permanent standard would allow employers to select the non-test-based strategy for compliance, the option for a test-based strategy creates confusion for health care providers and employers already under a significant amount of pressure complying with other laws, regulations, and guidelines. Accordingly, we respectfully request the test-based strategy for known SARS-CoV-2 cases be eliminated or clarified in the permanent standard. Lastly, the permanent standard, as currently written, will apply to Virginia businesses indefinitely, including at such a foreseeable time at which COVID-19 is no longer a critical public health emergency. Consequently, health care providers will still be required to comply with the strict requirements in this standard three years from now when most people have been immunized and effective treatments have been developed. Most public health experts agree that the SARS-CoV-2 virus will never fully disappear. Over time, however, more effective treatments and vaccines will be developed to eliminate effectively the emergent public health threat. Accordingly, it is foreseeable that current prevention measures like those contained in this draft permanent standard will no longer be necessary in that instance. We understand that such a time might not occur for another year or more and therefore appreciate the need for a permanent standard to be in place. However, we request that language be included to the effect that specifically limits application of these measures to a period of declared public health emergency due to COVID-19. That way businesses can operate without the burden of complying with regulations that are no longer necessary to protect public health once the public health emergency is over. And if there is a future outbreak of COVID-19 in Virginia that necessitates a declaration of public health emergency, this regulation could then become effective again. We respectfully request the above changes to the draft permanent standard to provide clarity and certainty for health care providers and employers in the Commonwealth. Sincerely, Melina Davis EVP and CEO, Medical Society of Virginia [1] Duration of Isolation and Precautions for Adults with COVID-19, Centers for Disease Control and Prevention (https://www.cdc.gov/coronavirus/2019-ncov/hcp/duration-isolation.html#:~:text=Recovered%20persons%20can%20continue%20to,recovered%20and%20infectiousness%20is%20unlikely.)	9/23/20 11:58 am CommentID:85449
Marci Kinter, PRINTING United Alliance	Oppose Adoption of Permanent Standard	September 24, 2020 Thank you for the opportunity to provide comments on the Commonwealth's Proposed Final Standard, ***Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19***. The PRINTING United Alliance (PrUA) represents the interests of facilities engaged in the production of products through screen, digital, flexographic, and lithographic printing processes. This includes facilities engaged in garment decoration, production of membrane switches, decals, all types of signage, as well as paper products, such as books, pamphlets, and other marketing materials. Our industry is comprised primarily of small businesses, with about 80 percent of establishments	9/23/20 12:03 pm CommentID:85450

		employing 20 or fewer people. We understand and share the concern of the Commonwealth regarding the safety of the workforce during this time of pandemic. However, we believe, it must be tempered with common sense and recognition of costs associated with the compliance of a regulation. We believe that current regulations, as adopted and enforced by VOSH, offer sufficient protection for the workforce for infectious diseases, including the current SARS-CoV-2 Virus. We do not recommend adoption of a permanent standard addressing this one particular issue. PrUA agrees with the position stated by the U.S. Department of Labor's Occupational Safety and Health Administration that existing statutory and regulatory tools are protecting America's workers and that neither an emergency temporary standard nor a permanent regulation is necessary at this time. We believe that VOSH has adopted all the relevant federal standards and already has the authority and regulatory oversight to address safety and health issues associated with this pandemic situation. An additional regulation is unnecessary and would impose significant costs on businesses at a time when many cannot afford it as they are on the verge of bankruptcy or in a situation where their income is significantly lower than the pre-pandemic period. Many of our members are reporting that sales and income are between 40-60% of pre-pandemic levels. One of our overarching concerns with the adoption of this standard is that there is no end date or a provision addressing its suspension when the pandemic ceases. It appears that the requirements of this standard would become continuously applicable, and this is not an acceptable situation. The lack of clarity raises critical questions such as - would this standard be enforced only during a pandemic that involved this specific virus? Who would declare that this standard applies, and most importantly, who would determine when the provisions no longer apply as a pandemic may be over? For these reasons, PrUA firmly believes that VAOSH's current regulatory programs adequately address workplace exposures, including exposures to this virus strain. Another concern is the static nature of the requirements. While the standard does reference the use of guidelines issued by the Center of Disease Control (CDC), and since the temporary rule was adopted, several recommendations by the CDC have changed and conflict with the requirements in the temporary rule. There are no provisions in the regulation that address what a covered entity would be required to do when another recommendation is revised by the CDC that would conflict with the regulation. As the pandemic continues, it is reasonable to expect that the CDC will issue updated guidance as new information regarding this virus, as well as others, is discovered. How will the average small business determine if they are to follow the requirements specified in the regulation versus the most recent and effect guidance issued by the CDC? And most importantly, how will these conflicts be addressed during an inspection and possible enforcement action? In order to make this standard permanent, VOSH needs to provide justification that the transmission of the virus in the workplace is such that imposing such an onerous regulation as this one is necessary to protect the health and wellbeing of workers. VOSH is compelled to show that in the absence of a regulation of this nature would cause widespread infections as compared to its existing set of regulations. In examining the latest statistics for COVID-19 infections, the number of new cases, percentage positivity (the number of cases confirmed as a ratio of the amount of testing), and hospitalizations is clearly on a downward trajectory. Based on the actions taken to address the spike in infections that recently occurred, it appears that the increase was due to people congregating in social settings and not due to being exposed by a coworker. Other recent outbreaks occurred in correctional facility, healthcare, and educational settings. The infection data also shows a higher concentration of infections occurring in Northern Virginia. Of course, some of these locations are "workplaces" which points to the fact that workers need to take precautions to prevent becoming infected. Because these outbreaks occurred since the imposition of the temporary standard, the requirements in it had little outcome on the results. The publicly available data is not detailed enough to discern the number of "workers" infected verse the general public or other populations. VOSH has access to more specific information and must present compelling evidence that a standard of this nature is warranted. VOSH should be able to show infection rates of workers that occurred before the temporary standard was imposed versus infections after the standard went into effect to support making the standard permanent. Likewise, VOSH also needs to show that the requirements in the temporary standard, as compared to following CDC and federal OSHA's recommendations, would be more effective at preventing transmission of the virus in the workplace. Until such time that compelling data indicating virus transmission was dramatically reduced as a result of the temporary standard can be produced, a permanent standard is not warranted. In addition, the proposed regulation contains many provisions that are quite onerous for small businesses. We offer the following comments on the proposal itself. <u>Section 40 – Mandatory requirements for all employees</u> PrUA continues to stress that the requirement to ask employers to designate and document employees as either "very high," "high," "medium," or "lower" exposure risk assumes that the small business would have a person on staff capable of making these type of subjective judgement calls. The addition of a staff person, knowledgeable in the area of infectious disease, imposes a significant economic burden. Alternately, hiring a consultant to perform this analysis also requires taking on significant economic burden and is cost prohibitive. Section 40.B.3-8c should be deleted. The inclusion of these sections in the permanent standard is not appropriate as these requirements are personnel related and do not have a role in a safety regulation. While we agree that VOSH can develop regulations stating when employers need to notify VOSH regarding injuries and illnesses, we believe that the proposed requirements set forth in the proposed rule overstep the boundaries between development of a safety and health regulation and employment law. Section 40.C, Return to Work, should also be deleted as these requirements also overstep the boundary between safety in the workplace and employment law. Section 40.K.8 contains a statement "Hand sanitizers required for use to protect against SARS-CoV-2 are flammable and use and storage in hot environments can result in a hazard." All chemicals entering the workplace must be accompanied by a Safety Data Sheet that clearly outlines storage requirements. Inclusion of this statement is not relevant as employers are required to clearly identify and store flammable materials. Sanitizers, including hand sanitizers, that are being used in the workplace will be classified as "workplace" chemicals and would fall under the provisions of the Hazard Communication Standard. <u>Section 60 – Requirements for hazards or job tasks classified at "medium" exposure risk</u> Section 60.A discusses engineering controls that facilities must undertake when employees are classified as "medium" exposure risk. The ventilation requirements listed are identical to those found in Sections 50.A.1 and 50.A.2 for health care facilities where airborne particulates of infectious diseases are expected to be encountered. Many printing operations could have employees in the medium exposure risk category, and it is important to understand that printing facilities have adopted ventilation systems appropriate for their facilities based on chemical use. The upgrading to this type of ventilation system is both unwarranted and expensive Section 60.D discusses requirements for Personal Protective Equipment. It is unclear from the regulatory text whether Section 60.C.2 applies to employers that have already undertaken hazard assessments for PPE required in the workplace, which is required of general industry. It appears that this section was written for businesses that are not already covered by the mandatory assessment. And, if Section 60.C.2 does apply to general industry and a new hazard assessment is required, why is there an additional requirement that it be certified when that is already required? We recommend that this section be reworded to acknowledge industry sectors that are already required to conduct the written hazard assessment and conform this requirement to current regulation. Section D.4 should be deleted as it is not a regulatory requirement but a statement of fact that should be included in a guidance document rather than a regulation. <u>Section 70 - Infectious disease preparedness and response plan</u> Implementing Section 70 requirements will create a serious economic burden for small businesses to implement. The proposal states that a person "shall be knowledgeable in infection control principles and practices as they apply to the facility, service or operation." This proposed standard seems to require businesses to train an existing staff person and dedicate their time to this effort or hire an outside consultant to develop a plan. Again, state guidelines have been issued that provide templates that can be adopted by the business sector that does not require the use of an expert in infectious diseases. In addition, the Centers for Disease Control and Prevention have issued numerous guidelines to assist businesses with creating plans so as not to require the need to hire outside consultants. Hiring such consultants places a significant financial burden on businesses that are trying to recover from the current economic crisis. The requirements in Section 70.C.3 are unreasonable, if not impossible, to perform by a person who is not an epidemiologist, virologist, or other public health expert. The information about transmission of the virus is changing constantly and even the CDC – upon which the entire country relies – is unable to definitely state how the COVID-19 virus is transmitted, as evidenced by posting guidance on September 18 and then removing that guidance three days later. In addition, the incidence of COVID-19 cases changes constantly. Accordingly, it is unreasonable to expect that a designated person to be personally responsible for knowing the transmission, travel, and other exposure risk information required in Section 70.C.3.a. Further, the requirement of Section 70.C.3.b-c is extremely complicated and filled with potential violations of federal law under the Americans With Disabilities Act, , Age Discrimination and Employment Act, the Genetic Information Nondiscrimination Act , HIPPA laws, and Equal Employment Opportunity Commission regulations. Requiring such information gathering and analysis puts the company and the designated person at very high risk of liability for violating these laws. The requirements of Section 70.C.4-9 are not necessary to include in a permanent rule. The heightened requirements related to COVID-19 are covered in the temporary rule. Once the pandemic has resolved, workplaces will be organized and structured in a manner that fulfills federal OSHA requirements and will address the general duty to provide a safe workplace. It is unnecessary to promulgate a permanent rule about best practices, which will continue to evolve in response to surrounding conditions and the proposed requirements of the permanent rule will no longer be the most current nor best practice as written. <u>Section 80 - Training</u> We believe that training requirements as outlined are already in place for printing establishments as required by the general industry standards. The addition of any new PPE requires training. And this training is already well documented. The requirements placed in this section are duplicative and do not reflect what is required by current regulation. Therefore, for general industry, such as printing, Section 80.B.8 is redundant and unnecessary duplication of regulation. VOSH should provide a cross reference to the general industry standards so that employers understand that this requirement is already in place in the current regulations governing the use, care, and selection of personal protective equipment. <u>Concluding Remarks</u> The PRINTING United Alliance remains committed to providing the graphic communications and printing industry with resources to address safety and health issues associated with the COVID-19 pandemic. However, we do not believe that a formal safety and health regulation is either appropriate or warranted as current general industry standards are comprehensive and sufficient. This position has been validated by both OSHA and U.S. Court of Appeals for the District of Columbia Circuit actions. Thank you for the opportunity to provide our thoughts and comments on this important regulatory initiative.	
Laura A Bennett	Strongly Opposed	I am opposed to making the COVID-19 Emergency Temporary Standard permanent.	9/23/20 12:04 pm CommentID:85451
Devon C Anders	Oppose Permanent Regulations in accordance with VA Chamber letter dated 9/22/20	VA Chamber Letter dated 9/2220	9/23/20 12:06 pm CommentID:85453
Elizabeth Keegan	Opposed to all points	Policies and procedures prior to this pandemic were more than sufficient. Many people, including myself, are highly ALLERGIC to hand sanitizers and the excess amount of chemicals used and prevents us from going out in public and risking exposure to these hazardous chemicals. These proposed changes are ludicrous and in no way help the safety of workers or customers, it only increases the bureaucracy.	9/23/20 12:07 pm CommentID:85454
Dan	Strongly Opposed	I strongly oppose any extension or permanent implementation of these standards. Government overreach throughout the country is based primarily on fear induced by flawed testing, dishonest and inaccurate recording, manipulation of data, and gross misrepresentation of facts. Please stop contributing to this insanity, and let us all get on with our lives.	9/23/20 12:25 pm CommentID:85458
Kenny Gaudreau	Strongly Oppose	Truly jaw-dropped that this even needs a vote. Restricting business behavior and masking individuals out of fear is not the American way. Americans are the ones who fight against tyranny, not support it. Liberty for all.	9/23/20 12:28 pm CommentID:85459
lee brooks	ets regulations	strongly oppose	9/23/20 12:58 pm CommentID:85468
Anonymous	Strongly opposed	Strongly opposed.	9/23/20 1:03 pm CommentID:85472
Access Now, Inc.	Strongly Opposed	You cannot expect the commonwealth to carry on business and continue the vigilance of protecting staff against a pandemic. This unrelialistic and expensive. Re think the plan and perhaps have phases, we go down to phase two and only go back to phase three if need arises.	9/23/20 1:10 pm CommentID:85475
Anonymous	Strongly oppose	I strongly oppose the VDH's suggestions for permanent disease preventions for businesses in the Commonwealth.	9/23/20 1:21 pm CommentID:85478
Mighty of Virginia	Strongly Oppose Permanent ETS	We strongly oppose the consideration of making current ETS regulations regarding COVID-19 permanent!	9/23/20 1:25 pm CommentID:85479
Thomas H	Strongly Oppose Making DOLI Regulation Permanent	No more new regulations need to be put in place and all current regulations need to be changed to recommendations. Let the people decide what is best for their health, it is not the governments place to tell me or any business what is in our best interest.	9/23/20 1:34 pm CommentID:85481
Tammy Rausch	STRONGLY OPPOSED TO ANY COVID OR EMERGANCY RESTRICTIONS NOW OR IN THE FUTURE	Dear Fellow Citizens, From our tiny community to our world has forever been changed from the unleashing of this virus and will not recover in my nor my children's lifetime. If you could do anything to make us safer it would come to us as nutritional supplements, Air purification for homes and businesses, and mass transportation. You could make a positive impact by eliminating the new business restrictions and quickly pass amendments that remove the "dozens of other hidden business restrictions, qualifications (ie-taxes for a sign or piece of education) and you could get out of the way with zoning. It's not the government that takes the business risk, decides if the public will support it. As we all are aware of the health risk, everything we say and do comes with risks. Anyone who wants to stay home can do so at their own financial and personal risk as well. What we all need is less government. Not one soul can be saved from one thing because of government. I do have more to say on that.	9/23/20 1:56 pm CommentID:85484
vbullock	VA should move forward with the permanent standard rule-making with haste in order to ensure all wor	I strongly agree.	9/23/20 2:05 pm CommentID:85486
Lloyd Harrison	Oppose	The ETS is burdensome, inconsistent and contradictory, and potentially damaging to businesses. Businesses are already struggling to deal with the effects of the pandemic. At a time of reduced staffing, diminished revenues, and in many cases non-existent profits, layering on more regulatory compliance is counterproductive. The whistleblower mechanism, which allows for unsubstantiated claims on social media, is wrong. We are all well-aware of the dangers of social media. Viral media accusations, without merit or substantiation, can destroy a business's reputation overnight.	9/23/20 2:11 pm CommentID:85488
Richard Starr, Rockydale Quarries	Strongly Oppose COVID-19 ETS becoming permanent	Dear members of the safety and health codes board,	9/23/20 2:20 pm CommentID:85492

Corp		The purpose of this comment is to emphatically oppose making the COVID-19 Emergency Temporary Standard permanent. As a member of our company's management team, I can affirm without the slightest doubt that the ETS is overly burdensome and at times frustratingly ambiguous. Below I have detailed several reasons this position. 1. Perhaps the most obvious and leading reason to not adopt the ETS permanently is that the COVID-19 situation is changing by the day. As our medical professionals learn more about it, the guidance changes significantly in a matter of months and even weeks. For example, if Virginia had tried to set a permanent standard during the first month of the pandemic, it would have been based on guidance that was saying healthy individuals should **not** wear a mask. Point being- why set a permanent standard when the guidance will still continue to change frequently and the details/implications of a vaccine haven't been determined either? 2. The content of the ETS is poor (it reads like it was thrown together in a hurry). 3. The definitions for very high, high, medium, and lower exposure risk hazards are written poorly and have ambiguous language. Medium is particularly difficult to figure out because it uses the wording 'more than minimal occupational contact inside 6 feet' with others. The obvious question that many employers have faced is what constitutes 'more than minimal'? The ETS **fails to define it** and for months now no one has been able to give me a straight answer. The ETS should never have been this ambiguous to start with, much less should it be made permanent. 4. There is a significant burden on employers to purchase and consume extreme amounts of sanitation supplies, another reason to keep the standard temporary and as short as possible. 5. The ETS requirement for face coverings within 6 feet of others causes employers to dedicate money, time, & resources to comply- another reason the standard should remain temporary and as short as possible. I believe Virginia's businesses are able to work with employees and the latest information on the benefits of mask wearing and side effects of mask wearing (like individuals coming closer to hear and understand you) to determine when it is the appropriate action. 6. The requirements for who needs to create an infectious disease and response plan are not well-defined. 'Medium with 11 or more employees' does not clearly communicate enough detail. Taking a literal meaning, it implies that any company with at least 11 employees (regardless of how many locations or employees per location), with at least one job task classified as medium would be required to create the plan, even if just 1 employee was required to do the medium risk job task. But is that the intended meaning? Or does it mean if there are at least 11 employees *that are required to do a medium risk task* that then the plan is required? Can that be based on separated, individual site locations? Bottom line- a well written rule wouldn't be so ambiguous and it would save companies from having to go on a several week long wild goose chase to find an 'educated guess' answer for this. 7. Employers are burdened further by training and retraining requirements in the ETS. The standard was written so poorly that **any** changes to the infectious disease plan would warrant retraining of all relevant employees, including all the documentation. I could go on but the main point is that both the ambiguous and burdensome language in this standard has **already** put a strain on employers during these uncertain times. We have spent far too many hours simply trying to find answers that the ETS should have had clarified to begin with. The requirements that we do understand cost us a lot in time and money to comply with, which once again reinforces that this standard should not be made permanent. There is no good reason to make this ETS permanent, as it would only continue to burden employers who were already subject to abiding by the Governor's executive orders relating to COVID-19. The ETS was and still is bad for business, and I have yet to see any positive or gain come from it. We will continue to make good faith efforts to keep our employees safe and follow public health best practices. Please support your local businesses and reject any extension of the Emergency Temporary Standard. Thanks for your time, Richard	
Ginni Mastin	Strongly Oppose	Virginia used to be employer friendly but businesses will start to leave Virginia. You write these Executive orders/Laws but you can't even explain them or clarify what it means.	9/23/20 2:25 pm CommentID:85496
Louie Berbert	Oppose a permanent Standard	These regulations are often unrealistic and burdensome to essential personnel. Everyone is doing their part by social distancing, washing our hands, and wearing masks. Anything over these regulations create costly production delays along with upset customers and employees. There are also major inconsistencies with the execution of the standard. Just visit any department store and you will note numerous violations, meanwhile small businesses are shut down. Please reconsider this standard.	9/23/20 2:27 pm CommentID:85497
Bo Farr, Boxley Materials	Strongly Oppose making Covid ETS permanent	Dear Members of the Safety and Health Codes Board: I write to you to register my strong opposition to making the COVID-19 Emergency Temporary Standard permanent for the following reasons: 1. Practicality. The over-arching concern here is that adopting permanent regulations on COVID makes little sense when the science is evolving and CDC guidance continues to change. Making these standards permanent at this stage is simply not practical as there is a very real likelihood that much of what employers are going to be required to follow "indefinitely" will be obsolete or shown to have no impact whatsoever on the virus. 2. Engineering controls. Even employers with medium risk employees are to ensure their air-handling systems comply with American National Standards Institute/American Society of Heating, Refrigerating and Air-Conditioning Engineers Standards, which include requirements for outdoor air ventilation in most residential and nonresidential spaces. These ETS standards are likely going to be in a constant state of change considering CDC's evolving guidance. Some of these changes are not supported by the science and that is what should guide these standards. 3. CDC deference. The ETS does not give enough leeway to the fact that science and health information about the virus is changing. If the ETS simply deferred to CDC by stating that if employers are in compliance with CDC guidance, then they are in compliance with the standard, that should suffice. But instead, the ETS only references the CDC when the CDC guidance is equal to or more stringent to ETS regs. 4. "Place of Employment." The ETS requires employers notify VDOLI if they have three positive test cases in a "place of employment' within 14 days. The ETS also requires employers to notify all employees at the "place of employment" within 24 hours of a positive test case. This idea of a "place of employment" is undefined. The concept of a "place of employment' is a vague concept, especially where employees may be working at different job sites day to day or may go weeks without interacting with other employees at another part of a facility. There is also a concern with employers with contractors (not technically their employees), at certain job sites as well. 5. Unintended consequences with VOSH. The ETS states that it "is designed to supplement and enhance existing VOSH laws, rules." However, there are some industry-specific concerns considering construction employees who are already complying with specifics as to PPE for their line of work. ETS imposes rules like, "[w]hen multiple employees are occupying a vehicle for work purposes, the employer shall ensure compliance with respiratory protection and personal protective equipment standards applicable to the employer's industry." This could be read to require a new N95 mask each day construction employees share common vehicles. That simply cannot be an intent of the ETS, but it could be the technical interpretation. 6. Third-party contractors. Obtaining information out of the other companies working on the same project can be a challenge when it comes to conducting contact tracing. If Companies A, B, C, and D all have employees working on a construction project, and an employee of Company D tests positive or experiences symptoms, it can be difficult for this information to make its way to Companies A, B, and C, who all have liability and responsibility with regard to engaging in immediate contract tracing. Thus, there needs to be some protections for those employers whose employees are essential and are intermingling with employees of other employers to get their job done but are stymied by limited immediate communication. 7. Presumptive Positives. The symptoms of COVID-19 overlap with and are very similar to other common illnesses, such as the common cold and flu. However, the definition in the ETS regarding guidance of any cold/flu like symptoms is to first assume a "Presumptive positive" for COVID. This means that an employee experiencing symptoms must immediately quarantine for 10 days or until a doctor provides a written note stating that it is not a COVID concern, which doctors currently are hesitant to do. This affects use of the employees' sick/vacation leave, impacts productivity, and fosters an environment where employees could be hesitant to report symptoms or use leave. 8. Employee Count. The ETS makes a broad general classification of Risk for Construction companies based on numbers of employees, not specifically on the type of construction or type of project sites for the employees involved. As an example, a road construction site that is miles long with 50 employees spaced out in normal construction practices is very Low risk, but the company would be defined under a Medium risk classification. 9. Negative impacts of face coverings. There are additional risks and safety concerns created by the broad use of face coverings with employees where the risk is low and social distancing is easily achieved. Face coverings easily fog up safety glasses and create a larger safety hazard to the employee. In hot weather, face coverings contribute to the potential for heat-related illnesses and worker discomfort. Face coverings also muffle the employee's voice and eliminate the visual interpretation of the person speaking. Each of these situations can affect overall worker safety. Thank you	9/23/20 2:28 pm CommentID:85499
Joseph William Altizer	Strongly oppose COVID-19 ETS	I am registering my strong opposition to making ETS permanent. Confusing and ambiguous language in the ETS along with ever-changing directives from various state and federal authorities are inefficient and an unreasonable cost burden for all businesses.	9/23/20 2:36 pm CommentID:85502
Tom Cleer	Permanent COVID standard	I would like the to see the COVID standards in Virginia made permanent. COVID is not going away anytime soon and a science-based standard from one agency gives the necessary guidance to employers and workers during this pandemic. All Virginia workers need protection so please move forward quickly to adopt a strong permanent standard. Thanks Tom Cleer	9/23/20 2:40 pm CommentID:85503
Ronald Milligan	Strongly Opposed	Strongly Opposed!!!!	9/23/20 2:41 pm CommentID:85505
Virginia Diamond, Northern Virginia Labor Federation	Strongly support making standard permanent	The emergency temporary standard has been extremely helpful and important in providing guidance to workers and employers on how to maintain a safe workplace. The standard is clear and science-based. Unfortunately COVID is still going to be with us after January and it is critical to maintain this standard permanently so that all workers can perform their jobs safely. Thank you.	9/23/20 2:46 pm CommentID:85506
Tim Simmons	All Virginia workers need protection so please move forward quickly to adopt a strong, permanent sta	Begin All Virginia workers need protection so please move forward quickly to adopt a strong, permanent standard to enter your comments. You are limited to approximately 3000 words.	9/23/20 2:49 pm CommentID:85508
Patrick Dixon	Strongly Support	It was gratifying to see Virginia leading the way in instituting the ETS in the face of this unprecedented crisis of public health and I very much hope that this rule will be made permanent. I have great confidence that all responsible business owners in Virginia will have the ingenuity and the wherewithal to take the necessary measures to abide by this standard and protect their workers from potentially life threatening consequences.	9/23/20 2:50 pm CommentID:85509
Becky Daiss, self	Permanent COVID Standard in Virginia	All Virginia workers need protection so please move forward quickly to adopt a strong, permanent standard. This is a matter of life and death.	9/23/20 3:16 pm CommentID:85514
Anonymous	Strongly opposed	Strongly opposed	9/23/20 3:18 pm CommentID:85516
Sherry	Absolutely oppose!	For Pete's sake! We don't need more of **Big Brother**! Government just keeps wanting more and more of my time, energy, and money!	9/23/20 3:28 pm CommentID:85520
Charles Tjersland, VP ZAR, AFGE Local 1924	COVID-19 Working Standard	• Please make the standard permanent -- COVID is not going away any time soon. • A clear, science-based standard from one agency gives necessary guidance to employers and workers during a pandemic • All Virginia workers need protection so please move forward quickly to adopt a strong, permanent standard.	9/23/20 3:37 pm CommentID:85524
Susan Fertig-Dykes	Absolutely opposed to making COVID rules permanent.	Not enough is known or understood about COVID, so making anything permanent would be foolish.	9/23/20 3:38 pm CommentID:85525
Ricky Dellinger	Strongly Oppose	*Dear Members of the Safety and Health Codes Board:*	9/23/20 3:41 pm CommentID:85526

		I write to you to register my strong opposition to making the COVID-19 Emergency Temporary Standard (ETS) permanent. *Our business is committed to the safety and welfare of our customers, employees, and community. While the risk of COVID-19 transmission has not yet been eliminated, I harbor serious concerns that the currently enacted emergency measures are overly burdensome and will negatively affect our regional businesses' ability to continue operating if made permanent. Confusing and ambiguous language in the ETS, as well as ever-changing directives from various state and federal health authorities has made running a business in the most challenging of times even harder.* *We will continue to make good faith efforts to keep our employees safe and follow public health best practices. Please support your local businesses and reject any extension of the Emergency Temporary Standard.*	
Hillary Horn	Protecting workers=protecting public from COVID	Make the standard permanent because COVID 19 will be with us into 2021. We must stop the spread of this virus as this is the only way that we can return to normal and that our economy can recover. Due to the stealthy contagiousness of COVID 19, strict workplace guidelines are needed to protect employees on the job. When workers contract the virus on the job they bring it home to their families and they can spread it unknowingly to others. A friend of mine recently contracted the virus from a caregiver to an elderly parent in their home. The patient died and four family members became ill. Had this standard been in place and enforced, this family could have been spared from this nightmare. I see construction workers all the time working in close proximity to each other without masks. COVID will not end on Dec 31st and neither should protections for workers; the health of all those they come in contact with is at stake!	9/23/20 3:43 pm CommentID:85527
Paula Thiede	Make Covid Standard Permanent	Please make the Covid standard permanent. Virginia workers need protection, and a clear, science-based standard from one agency gives employers and workers the necessary standard to follow. Covid is not going away soon, and may be with us permanently. Thank you.	9/23/20 3:44 pm CommentID:85528
Roger Eitelman	Temporary health and safety standard	Please make the temporary Health and Safety Standard permanent.	9/23/20 4:04 pm CommentID:85532
Anonymous	Strongly Support Permanent Workplace Health and Safety Standard on COVID-19	**Virginia's Emergency Temporary Standard** (ETS) for workplace safety and health already is protecting Virginia workers. But a "temporary" standard is only for six months and the novel coronavirus and COVID-19 will likely be a threat for a longer period of time. Virginia needs a permanent standard against COVID-19. I live in Falls Church, in the center of an early COVID-19 hot spot in Northern Virginia, and retired and aged 70 with chronic prescription-treated asthma, have been "Staying Safer at Home" since mid-March. But frontline workers do not have that luxury; they need to get up and out and to work every day. Accordingly, I strongly support the passage of a permanent workplace health and safety standard on COVID-19 to support workers in the Commonwealth. Virginia set a nation-wide precedent with its Emergency Temporary Standard, and still needs a strong permanent standard. The proposed standard provides strong protections for workers and clear guidance for employers. This standard will save lives, prevent COVID-19 spread and help get Virginia's economy moving again.	9/23/20 4:06 pm CommentID:85533
Anonymous	Permanent Covid standard	Strongly opposed	9/23/20 4:09 pm CommentID:85534
Anonymous	Strongly oppose	no permanent use of masks!!!	9/23/20 4:10 pm CommentID:85535
Jessica Rosner	comments to the permanent standard	The Virginia Department of Health (VDH) would prefer for the standard to require adherence to current VDH/Centers for Disease Control and Prevention (CDC) standards instead of stating particular VDH/CDC guidance that should be followed in writing. This would allow the standard to remain up-to-date with current recommendations without having to employ workarounds such as going through the revision process or developing FAQs to address updates. In the purpose, scope, and applicability section, subsection E2b should state "The type of hazards encountered, including exposure to respiratory droplets and potential exposure to the airborne transmission of SARS-CoV-2 virus..." as SARS-CoV-2 is primarily transmitted through respiratory droplets (Reference: https://www.cdc.gov/coronavirus/2019-ncov/hcp/non-us-settings/overview/index.html#:~:text=COVID%2D19%20is%20primarily%20transmitted,sneezes%2C%20coughs%2C%20or%20talks). In the definitions section, for the "community transmission" definition, #2 should read "Minimal to moderate" where there is sustained community transmission..." (Reference: https://www.cdc.gov/coronavirus/2019-ncov/community/community-mitigation.html). The definition for "duration and frequency of employee exposure" should read (in part): "An example of an acute SARS-CoV-2 virus or COVID-19 disease situation may be an unmasked customer, patient, or other person coughing or sneezing directly into the face of an employee." The definition for "high exposure risk hazards or job tasks" lists as an example contact tracer services. Contact tracing is not per se healthcare delivery. For VDH local health departments, this is confusing for staff and does not match the actual risk. Contact tracing would best be listed in medium (if performed on-site at the local health department) or low (if performed remotely). Also of note, contact tracing is listed in both the high risk and medium risk definitions. Recommend removing it from the high risk cateogry and leaving it in the medium or low risk category definition. The "lower exposure risk hazards or job tasks" definition should read (in part): "Employees in this category have minimal occupational contact with other employees, other persons, or the general public, such as in an office building setting; or are able to achieve minimal occupational contact to SARS-CoV-2 through the implementation of engineering, administrative and work practice controls." Further, the definition includes reference to employee use of face coverings for contact inside of six feet of coworkers, customers, or other persons. As the face coverings language is found in the definitions section, it may not be clear to employers that this is a mandatory requirement of the ETS. VDH recommends moving this face covering requirement from the definitions section of the ETS to the "Mandatory requirements for all employers" section or, alternatively, a new ETS section entitled "Requirements for hazards or job tasks classified as lower risk exposure." The face covering definition should read (in part): "A face covering is not intended to protect the wearer, but it may reduce the spread of virus from the wearer to others. A face covering is not a surgical/medical procedure mask or respirator." The face shield definition should read: "Face shield means a form of personal protective equipment made of transparent, impermeable materials primarily used for eye protection from droplets or splashes for the person wearing it. A face shield is not a substitute for a face covering, surgical/medical procedure mask or respirator." (Reference: https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html). The definition of "may be infected with SARS-CoV-2 virus" should remove the language "and not currently vaccinated against the SARS-CoV-2 virus," as with the projected population-level efficacy of COVID-19 vaccine to be 40-70%, we cannot definitively state that someone vaccinated will not subsequently be free from infection. The personal protective equipment definition should read (in part): "Personal protective equipment may include, but is not limited to, items such as gloves, safety glasses, goggles, shoes, earplugs or muffs, hard hats, respirators, surgical/medical procedure masks, impermeable gowns or coveralls, face shields, vests, and full body suits." The physical distancing definition should read (in part): "Physical distancing,' also called 'social distancing,' means keeping space between yourself and other persons while conducting work-related activities inside and outside of the physical establishment by staying, for purposes of this Standard, at least six feet from other persons." The definition of SARS-CoV-2 should read: "SARS-CoV-2 means the novel virus that causes coronavirus disease 2019, or COVID-19. Coronaviruses are named for the crown-like spikes on their surfaces." The signs of COVID-19 definition should read: "Signs of COVID-19 are abnormalities that can be objectively observed, and may include fever, trouble breathing or shortness of breath, cough, new confusion, vomiting, bluish lips or face, etc." The surgical/medical procedure mask should read (in part): "A surgical/medical procedure mask has a looser fitting face seal than a tight-fitting respirator." A definition for symptoms of COVID-19 should be added that reads: "Symptoms of COVID-19" are abnormalities that are subjective to the person and not observable to others, and may include chills, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, nausea, congestion or runny nose, diarrhea, etc." The definition of symptomatic should read: "Symptomatic means a person who is experiencing signs and/or symptoms similar to those attributed to COVID-19. A person may become symptomatic 2 to 14 days after exposure to the SARS-CoV-2 virus." The mandatory requirements for all employers, subsection A, should read: "Employers shall ensure compliance with the requirements in this section to protect employees in all exposure risk levels from workplace exposure to the SARS-CoV-2 virus that causes the COVID-19 disease." In this same section, subsection B2 should read "Employers shall inform employees of the methods of and encourage employees to self-monitor for signs and symptoms of COVID-19 if employees suspect possible exposure or are experiencing signs and/or symptoms of illness." Subsection B4 should read (in part): "Employers shall develop and implement policies and procedures for employees to report when employees are experiencing signs and/or symptoms consistent with COVID-19 and no alternative diagnosis has been made (e.g., tested positive for influenza)." In subsection B5, consider adding "and others" to the last sentence ("...that would not result in potentially exposing other employees and others to the SARS-CoV-2 virus") to encompass customers, vendors, volunteers, etc. Section B7 should read: "Employers shall discuss with subcontractors and companies that provide contract or temporary employees about the importance and requirement of employees or other persons who are known or suspected to be infected with the SARS-CoV-2 virus of staying home. Subcontractor, contract, or temporary employees known or suspected to be infected with the SARS-CoV-2 virus shall not report to or be allowed to remain at the work site until cleared for return to work. Subcontractors shall not allow their employees known or suspected to be infected with the SARS-CoV-2 virus to report to or be allowed to remain at work or on a job site until cleared for return to work." Subection B8 of mandatory requirements for all employers should read: "To the extent permitted by law, including HIPAA, employers shall establish a system to receive reports of positive SARS-CoV-2 tests by employees, subcontractors, contract employees, and temporary employees (excluding patients hospitalized on the basis of being known or suspected to be infected with SARS-CoV-2 virus) present at the place of employment within 2 days prior to symptom onset (or positive test if the employee is asymptomatic) until 10 days after onset (or positive test), and the employer shall notify..." This is important because VDH defines the infectious period of a COVID-19 case-patient as 2 days prior to symptom onset (or test positivity if the patient is asymptomatic) until 10 days after onset. This is the period established during which close contacts of case-patients should receive follow up. VDH suggests modifying the language of the standard to be consistent with the infectious period. In regard to subsection B8d, receiving duplicative individual reports of COVID-19 from both employers and laboratories/physicians reduces VDH's ability to identify outbreaks, as VDH staff will instead be dealing with increased paperwork and having to match employer reports with reports received from physicians and laboratories. In taking on that responsibility, less time will be focused on the items that would allow VDH to most effectively intervene (e.g., case-patient interviews, employer outbreak reports). It's important to reduce the duplicative reports VDH would receive from employers under the current ETS, while still having the opportunity to identify potential outbreaks. For that reason, the Virginia Department of Health would like to modify B8d to read: "During a declaration of an emergency by the Governor pursuant to § 44-146.17 every employer as defined by § 40.1-2 of the Code of Virginia shall report to the Virginia Department of Health when the worksite has had two or more confirmed cases of COVID-19. The employer shall make such a report in a manner specified by VDH, including name, date of birth, and contact information of each case, within 24 hours of becoming aware of such cases. Employers shall continue to report all cases until the local health department has closed the outbreak. After the outbreak is closed, subsequent identification of two or more confirmed cases of COVID-19 during a declared emergency shall be reported, as above." In regard to subsection B8e, it's important to note that some employers (such as residential programs, daycares, schools, long-term care facilities, etc.) are required to report outbreaks to VDH per the Code of Virginia 12VAC5-90-90 . VDH feels that duplicative reporting to both VDH and DOLI may be burdensome to these employers. In regard to section C of the mandatory requirements for all employers, VDH would prefer for this section to state that employees must be excluded from work until they have met VDH/CDC requirements for discontinuing home isolation or quarantine. VDH already governs and has the ability to require (if deemed necessary) certain isolation and quarantine periods per the Code of Virginia statutes on isolation and quarantine. Sections C1a and C2b are not consistent with current public health guidance for discontinuing isolation. Particularly, in most cases C1b is not recommended for discontinuing isolation – this is generally for transfers of patients between healthcare facilities (e.g. hospital à long-term care facility). If it is not possible to state that employees must be excluded from work until they have met VDH/CDC requirements for discontinuing home isolation or quarantine and specific return to work guidance must be stated explicitly, VDH would prefer for the language in section C1a and C1b to be changed to (for isolated persons): "Persons with COVID-19 who have symptoms may discontinue isolation and return to work when: • At least 10 days* have passed since symptom onset and • At least 24 hours have passed since resolution of fever without the use of fever-reducing medications and • Other symptoms have improved. *A limited number of persons with severe illness may produce replication-competent virus beyond 10 days, that may warrant extending duration of isolation for up to 20 days after symptom onset. Persons who are severely immunocompromised may require testing to determine when they can return to work. Consider consultation with infection control experts. Persons infected with SARS-CoV-2 who never develop COVID-19 symptoms may discontinue isolation and other precautions 10 days after the date of their first positive RT-PCR test for SARS-CoV-2 RNA."	9/23/20 4:12 pm CommentID:85536

		Furthermore, If return to work guidance for quarantined workers must be stated explicitly in the permanent standard, VDH recommends including this language in a separate section of the standard, such as: "XXXX. Quarantine of exposed employees. "Quarantine" is separation of people who have been in "close contact" with a person with COVID-19 from others. People in quarantine should stay home as much as possible, limit their contact with other people, and monitor their health closely in case they become ill. Close contact is described as being within 6 feet of someone who has COVID-19 for a total of 15 minutes or more; providing care at home to someone who is sick with COVID-19; having direct physical contact (e.g., hugging, kissing) with a person with COVID-19; sharing eating or drinking utensils with a person with COVID-19; or being exposed to the respiratory droplets of someone with COVID-19 (e.g., being sneezed on, being coughed on). Close contacts of a known COVID-19 case who are not experiencing symptoms should be quarantined at home until 14 days have passed since last contact with the COVID-19 case or, if contact is ongoing (such as living together in a household), 14 days after the COVID-19 patient has been released from isolation, which may result in exclusion for up to 24 days. NOTE: If the employee is a household contact of a person with COVID-19 and the employee is able to have complete separation from the ill person (meaning no contact, no time together in the same room, no sharing of any spaces, such as the same bathroom or bedroom), the employee may follow the timeline for non-household contact. If the employee develops symptoms of COVID-19 or tests positive for SARS-CoV-2, exclusion guidance for employees suspected or confirmed to have COVID-19 should be followed. If the employee tests negative during the quarantine period, they must continue to quarantine for the full 14 days. However, anyone who has been exposed through close contact with someone with COVID-19 does NOT need to stay home when the exposed person: • developed COVID-19 illness within the previous 3 months, • has recovered, and • remains without COVID-19 symptoms (for example, cough, shortness of breath). It may be necessary for personnel filling essential critical infrastructure roles who are asymptomatic contacts to remain in the workplace in order to provide essential services, if the business cannot operate without them (except for education sector workers, who should quarantine for the full 14 days). These situations should be reviewed with the local health department on a case-by-case basis, with home quarantine being the preferred method of addressing close contacts. If a business is unable to operate without the critical infrastructure employee, the employee (except for education sector workers) may return to work (not undergo quarantine) as long as: • Employers pre-screen the employee (temperature checks) • Employers conduct regular monitoring of employee • Employee wears a face mask at all times for 14 days after last close contact • Employee maintains 6 feet of physical distance from all persons outside their household • Employer ensures work space is routinely cleaned and disinfected." Subsection C1 of the mandatory requirements for all employers states "While an employer may rely on other reasonable options, a policy that involves consultation with appropriate healthcare professionals concerning when an employee has satisfied the symptoms based strategy requirements in subdivision 1 a of this subsection will constitute compliance with the requirements of this subsection." VDH is unclear about the intent of this statement. If the intent is to require clearance from a healthcare provider prior to returning to work, VDH has two concerns: 1. Neither CDC nor VDH require healthcare provider clearance for returning to work. Requiring clearance from a healthcare provider to return to work may burden healthcare provider offices that are inundated with cases. 2. Requiring clearance to return to work may create an equity issue, as some employees may not be able to afford to get physician clearance. If this is the intent of the statement, VDH recommends striking the statement. However, if the intent is for employees and employers to remain up-to-date on public health recommendations, VDH would recommend changing the language to "consultation with appropriate healthcare and/or public health professionals" to allow for public health input without requiring physician clearance. Subsection C1bi states "Nothing in this standard shall be construed to prohibit an employer from requiring a known or suspected to be infected with the SARS-CoV-2 virus employee to be tested in accordance with subdivision 1 b of this subsection." Neither CDC nor VDH currently recommend the test-based strategy be employed to clear a person to return to work. As a result, this language promotes a practice that is no longer consistent with current public health recommendations. VDH would prefer to remove specific language on return to work standards in lieu of requiring employees to remain out of work until they have met VDH/CDC criteria to discontinue isolation/quarantine. However, if specific language on when an employee may return to work must be a part of the standard, VDH would recommend modifying this language to say: "Employees known or suspected to be infected with SARS-CoV-2 who have experienced symptoms should follow a symptom-based strategy for returning to work. Employees known or suspected to be infected with SARS-CoV-2 who never developed symptoms should follow a time-based strategy for returning to work." Subsection C2a of the mandatory requirements for all employers should read "The time-based strategy excludes an employee from returning to work until at least 10 days have passed since the date of the employee's first positive COVID-19 diagnostic test assuming the employee and, for symptomatic employees, have had improvement of symptoms. If an asymptomatic employee who tested positive develops symptoms, then the symptom-based shall be used." Regarding the section "Requirements for hazards or job tasks classified as very high or high exposure risk," since the VERY HIGH and the HIGH exposure risk jobs have the same engineering, administrative, work practice and PPE requirements, it adds burden to the employer to have to distinguish between them. Also – many of the engineering, administrative, work practice and PPE requirements between this section and the next (MEDIUM exposure risk jobs) are exactly the same. VDH recommends rewriting this so that employers can readily see what is required for all and what additional requirements are necessary for the VERY HIGH and HIGH categories. The above would make this much more customer-friendly. In the very high or high exposure risk requirements section, subsection B6, VDH recommends modifying this language to be consistent with current guidance on laboratory testing of SARS-CoV-2 samples. The remainder of VDH comments will be provided in a second townhall comment.	
Olivia	Support permanent standard	A clear, science-based standard from one agency gives necessary guidance to employers and workers during a pandemic. All Virginia workers need protection so please move forward quickly to adopt a strong, permanent standard for as long as this virus rages.	9/23/20 4:26 pm CommentID:85541
Chuck Swain, Modern Automotive	Oppose making ETS Permanent	Sir / Ma'am, Please reject making this understandable Emergency TEMPORARY Order Permanent. The additional unnecessary burden that imposes on already challenged businesses during these trying times has little to no impact on public health yet it creates hardships for businesses that have struggled to adapt to the current situation. Thank you for your consideration. Chuck Swain 817-905-9866	9/23/20 4:29 pm CommentID:85544
Jessica Rosner	comments to the permanent standard (2)	Additional comments: In the requirements for very high or high exposure risk section, subsection C4 should read: "An employer shall post signs requesting patients and family members to immediately report signs or symptoms of respiratory illness on arrival at the healthcare facility and use disposable face coverings." In the same section, subsection C9 should read: "Provide face coverings to non-employees suspected to be infected with SARS-CoV-2 virus to contain respiratory secretions until the non-employees are able to leave the site (i.e., for medical evaluation and care or to return home)." In the same section, subsection D5 should read: "Unless contraindicated by a hazard assessment and equipment selection requirements in subdivision 1 of this subsection, employees classified as very high or high exposure risk shall be provided with and wear gloves, a gown, a face shield or goggles, and a respirator when in contact with or inside six feet of patients or other persons known to be or suspected of being infected with SARS-CoV-2. *Where indicated by the hazard assessment and equipment selection requirements in subsection D of this section, such employees shall also be provided with and wear a surgical/medical procedure mask.* Gowns shall be the correct size to assure protection." Further, the italicized part is confusing for several reason: 1. It makes reference to subsection D, but it is subsection D. 2. The prior sentence already stipulates the provision of a respirator – requiring providing/wearing of a surgical/medical procedure mask is confusing. Perhaps what is meant is that the PATIENT should be wearing such a mask for source control – but that should not be required when not medically tolerated. As mentioned in a previous comment, the requirements for hazards or job tasks classified as medium exposure risk section should be rewritten for simplification for employers due to the similarity of requirements in this section to the requirements for very high/high risk settings. Subsection C1b of the requirements for medium exposure risk settings should read: "Provide face coverings to non-employees suspected to be infected with SARS-CoV-2 to contain respiratory secretions until the non-employees are able to leave the site (i.e., for medical evaluation and care or to return home)." In the infectious disease preparedness and response plan section, subsection C3aii reads "Known or suspected to be infected with the SARS-CoV-2 virus persons or those at particularly high risk of COVID-19 infection (e.g., local, state, national, and international travelers who have visited locations with ongoing COVID-19 community transmission..." VDH and CDC are now emphasizing the activities that one participates in as much as the locations one travels to. This should be addressed in this section. (Reference: https://www.vdh.virginia.gov/coronavirus/coronavirus/travel-to-areas-with-widespread-ongoing-community-spread/ and https://www.cdc.gov/coronavirus/2019-ncov/travelers/index.html). In the same section, subsection C3b should read (in part): "To the extent permitted by law, including HIPAA, employees' individual risk factors for severe disease. For example, people of any age with one or more of the following conditions are at increased risk of severe illness from COVID-19:...obesity (body mass index or BMI of 30 or higher)..." The BMI value has been changed from 40 to 30, and this should be reflected in the standard. (Reference: https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html). Additionally, this subsection should end with the sentence "The risk for severe illness from COVID-19 also increases with age." (Reference: https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/older-adults.html). It's essential that the ETS includes this, particularly with the advancing age of many workers. In the same section, subsection 5 should read (in part): "Identify infection prevention measures to be implemented." Subsection 6 should read: "Provide for the prompt identification and isolation of known or suspected to be infected with the SARS-CoV-2 virus employees away from work, including procedures for employees to report when they are experiencing signs and/or symptoms of COVID-19." In the training section, subsection B5 should read: "Risk factors of severe COVID-19 illness with underlying health conditions and advancing age;". Subsection 7 should read "Safe and healthy work practices, including but not limited to, physical distancing, wearing of face coverings, disinfection procedures, disinfecting frequency, ventilation, noncontact methods of greeting, etc.;". The following language should be added to subsection 8: "Strategies to extend PPE supplies during limited capacity." Subsection C makes reference to "the trained employee's physical or electronic signature." VDH recognizes that obtaining a physical or electronic signature on a document can be difficult in a telework environment. VDH suggests revising this language to indicate a physical or electronic signature is not necessary if other documentation of training completion (e.g., electronic certification through a training system) can be provided. Subsection E4 of the training section should be added and should read: "Changes in public health's (CDC and VDH) understanding of SARS-CoV-2's transmission and impact on public health." Subsection G3 of the training section should read: "The signs and symptoms of the COVID-19 disease". Subsection G5 should read: "Safe and healthy work practices and control measures, including but not limited to, physical distancing, wearing of face masks, sanitation and disinfection practices." Subsection G6 should be added and should read: "Requirements of any applicable Virginia executive order or order of public health emergency related to the SARS-CoV-2 virus or COVID-19 disease; and the current subsection G6 should be moved to G7. In the discrimination against an employee for exercising rights section, subsection B should read: "No person shall discharge or in any way discriminate against an employee who voluntarily provides and wears	9/23/20 4:30 pm CommentID:85545

		the employee's own personal protective equipment, including but not limited to a respirator, face shield, gowns or gloves provided that the PPE does not create a greater hazard to the employee or create a serious hazard for other employees. No person shall discharge or in any way discriminate against an employee who voluntarily provides and wears the employee's own face covering." As previously written, it included face covering as PPE (face coverings are not PPE) and it indicated "if provided by the employer" for PPE, when the employer MUST provide PPE. In regard to subsection D of this section, language should be rewritten to be clearer. Employees may read and interpret that they can refuse to work, even if appropriate safeguards can be put into place, but this was clarified to mean that employees cannot refuse to work – this becomes a performance issue – if appropriate safeguards are implemented. It is important to assure that there is a whistleblower clause but, as written, this will create considerable consternation for employers-employees.	
Anonymous	Please push for Strong permanent safety standard to support workers--make ETS permanent in Virginia	• Virginia needs a strong permanent standard. - The proposed standard provides strong protections for workers and clear guidance for employers. - This standard will save lives, prevent COVID-19 spread and help get Virginia's economy moving again. Dr and Mrs Stephen Ruth Falls Church VA 703 536 5343	9/23/20 4:30 pm CommentID:85546
JOHNNY CASSETT	MUST END ETS RESTRICTIONS	The current ETS standards for workplaces, including the requirement to wear PPE, needs to be revoked. Ongoing research is finding that COVID-19 is not spread in the airborne fashion one reported (see Washington Post article https://www.washingtonpost.com/nation/2020/09/21/cdc-covid-aerosols-airborne-guidelines/) The permanent use of PPE will discourage customers from face-to-face business (it is hard to understand communication), create another expense (providing PPE), and will not make a measurable difference in combating the spread of the virus. Monitoring hand washing and sanitary surfaces is a more manageable, and as effective, method of controlling the spread.	9/23/20 4:33 pm CommentID:85549
Diane Sears	Masks	Strongly Oppose	9/23/20 4:38 pm CommentID:85552
Corey Clayborne, AIA Virginia	Items that Require Vetting and Analysis	The sections noting air handling requirements for both high and medium risk occupations reference ASHRAE standards that have not yet been adopted as part of VUSBC (ASHRAE 2017 and 2019) as they were released just last November. It is doubtful therefore that even the newest facilities recently brought online would comply with these design standards. The revised 2019 edition of the standard includes significant changes, including: • New informative tables of ventilation rates per unit area for checking new and existing buildings ventilation calculations • Simplified version of the Ventilation Rate Procedure improving calculations for system ventilation efficiency and zone air distribution effectiveness • Modified Natural Ventilation Procedure calculation methodology • Revised scope to specifically identify occupancies previously not covered • Natural ventilation now requires considering the quality of the outdoor air and interaction of the outdoor air with mechanically cooled spaces. • Humidity control requirements are now expressed as dew point and not as relative humidity. In addition, the maintenance code requires property owners to maintain the standards in place as of the date of issuance of their respective building permits. Even if equipment is replaced it is "like for like" so that one does not have to redesign and replace the entire HVAC system just because a 15-year old condensing unit reached the end of its useful life. These regulations, as proposed, present fundamental changes to the maintenance code, which is part of the VUSBC family.	9/23/20 4:39 pm CommentID:85553
Sonia Lozano, LIUNA Local 572	Permanent Standards COVID-19	• A clear, science-based standard from one agency gives necessary guidance to employers and workers during a pandemic • All Virginia workers need protection so please move forward quickly to adopt a strong, permanent standard.	9/23/20 4:43 pm CommentID:85555
William Dent	Make Virginia's Emergency Temporary Standard Permanent	Virginia did the right thing in providing an Emergency Temporary Standard available to protect workers for workplace safety and health, and it has been working but it was to expire in six months. Protecting workers safety and health makes sense at all times, during the continuation of the threat from the Covid-19 virus which will be with us for some time, but also from any recognized danger at any time. Virginia workers have reason to be proud of a Commonwealth that values them enough to protect them now and should be able to have the same confidence on into the future.	9/23/20 4:44 pm CommentID:85556
MARK E SNELL-COOK (Norfolk APWU Local 262)	Essential and Consistent applicatio and policy	A permanent standard for COVID 19 is needed. The temporary standard needs to be made permanent and is key to ensuring workers and workplaces are equitable and consistent in their responses and applications of a scientifically based standard. The workers of the Commonwealth of Virginia deserve to have this standard, no matter where they work from one end of the Commonwealth to the other. Thank you for your attention to this important matter.	9/23/20 4:50 pm CommentID:85558
Lucretia McCulley	Permanent Workplace Safety Standard - Strongly support	Virginia needs a strong permanent standard for workplace health and safety during COVID-19. The proposed standard provides strong protections for workers and clear guidance for employers. This standard will save lives, prevent COVID-19 spread and help get Virginia's economy moving again.	9/23/20 4:50 pm CommentID:85559
john dixon	Class Action guarenteed	You cannot legally quarantine healthy people and we all know there is no threat of mass death from CCP virus -99.9% survival. "The CDC has released US Covid death statistics and there is no "pandemic" level. -0.00052% death in children under 1 -0.000088% death in children… More 1-4 years -0.000073% death in children 5-14 years -0.000775% death in people 15-24 years -0.0031% death in people 25-34 years -0.0089% death in people 35-44 years -0.023% death in people 45-54 years -0.05% death in people 55-64 years -1.3% death in people 65-74 years -3.1% death in people 75-84 years -8.6% death in people over 85 years Of those deaths in people over 85, 40% died of pneumonia and most had 2+ comorbidities. Your intent to destroy Virginia's economy and our lives will not go unanswered at court and the ballot box.	9/23/20 4:59 pm CommentID:85560
Don Labe	Strongly oppose! Absolutely No!	this permanent order is tôo far overreaching. We are Americans and Virginians. We do not need these permanent instructions in our lives that will continue to destroy business.	9/23/20 4:59 pm CommentID:85561
Martha Drehmannb	Covid restrictions	Strongly opposed to making the current Covid restrictions in the work place permanent. Businesses need to get back to a normal work environment as soon as possible. Interactions are difficult, the required equipment is expensive, and the risk has decreased.	9/23/20 5:18 pm CommentID:85564
Anonymous	Agree	I support this measure	9/23/20 5:18 pm CommentID:85565
Melissa White, VA United Methodist Women	Strongly Support	A permanent workplace health and safety standard for COVID 19 to support workers will help prevent the spread of COVID-19! Let's do all things possible to value the health of those in the workplace and to get our economy moving again!	9/23/20 5:28 pm CommentID:85569
Carolyn McNeal	Workers Need Protections	Please make the OSHA standard for COVID a permanent standard. COVID isn't going to just magically go away. We will have to deal with it for months or years to come. A clear, science-based standard is necessary to protect workers.	9/23/20 5:30 pm CommentID:85571
Jean H Lowe	Workplace health and safety	It is time to make temporary protections permanent.	9/23/20 5:33 pm CommentID:85572
Anonymous	Strong support for permanent standards	To Whom It May Concern: As we all have been coping and facing the consequences of the Covid-19, I believe that it is **very important** to have **work places that are safe, that protect those persons** who must be working and **prevent the spread** of this very serious virus. It is only fair and right that persons can work in an environment that meets the **strong protections** needed. For this to occur, employers must be given clear guidance and have correct information to implement and maintain a workplace that has strong safety standards for all. This needs to be a permanent standard as I believe we will be facing Covid-19 for the foreseeable future. I further believe that such action is vital to the return, restoration and viability of our economy.	9/23/20 5:35 pm CommentID:85574
Cary Nelson, H.N. Funkhouser & Co	Strongly Oppose	Please note that these regulations pose a huge burden on small businesses. We value our team and our customers but feel these ETS are too cumbersome. Most Sincerely, Cary Nelson President, H.N. Funkhouser & Co.	9/23/20 5:46 pm CommentID:85576
Mary Anne Cummins	Strongly Support	This standard will save lives, prevent COVID-19 spread and help get Virginia's economy moving again. The proposed standard provides strong protections for workers and clear guidance for employers. It is often those on the lower end of the pay scale who are affected by a lack of safety and health protections. The standard needs to be made permanent. Thank you.	9/23/20 6:07 pm CommentID:85577
Maryann T. Craig	Pass permanent law to have businesses have protection for all employees against COVID 19.	Pass permanent law to have businesses have protection for all employees against COVID 19.	9/23/20 6:30 pm CommentID:85581
Tiffany Brooks	STRONGLY OPPOSE	This is getting way out of hand! These masks or anything that people use to cover their face is a joke!! We live in the United States of America we the people have the right to choose. The government is over stepping. The shut down was totally ridiculous! People have lost their businesses their livelihoods. The way they put food on the table, but big businesses and corporations were able to stay open...come on that makes no sense at all. And then trying to make people wear a mask while walking in to a restaurant, but they take it off to eat in the same restaurant, how does that prevent anything? How does wearing a piece of cloth that is not N95 mask helping at all? And then making our children wear a mask at school and not allowed to play with their friends. Inmates are allowed to do more then our own children. If someone wants to wear a mask that is their choice just as if someone choices not to wear one it's their right not to as well. If they have a mask on what is the problem they are protected right??!!! ?? We the people have the right to chose what we do with our body. The government needs to stand down.	9/23/20 6:40 pm CommentID:85582
Anonymous	Strongly oppose	Stop it with the govt overreach. Too many families have already lost their livelihood, everything they worked for. Enough is enough.	9/23/20 7:00 pm CommentID:85584
sharon church	permanent health and safety standard	I strongly support enacting a permanent health and safety standard for COVID 19. Virginia needs a strong permanent standard that provides clear guidance for employers. If we can limit the virus we can get our economy working again. thanks	9/23/20 7:13 pm CommentID:85585
Anonymous	strongly oppose	strongly oppose this being made permanent!!! This will continue to hurt our economy.	9/23/20 7:16 pm CommentID:85586
Pamela Pouchot	Strongly support	The regulations enacted due to the Covid-19 virus work to ensure a healthy work environment. Why would anyone want to go back to an unclean and potentially infectious work environment. I strongly urge Virginia to keep these health measures to keep all Virginians as healthy as possible.	9/23/20 7:21 pm CommentID:85587
Pamela Tetro, NP, Geriatric Services UVA	I strongly support	Virginia needs strong health and safety policies for all of its workers. Not just for the next six months but permanently. cOVID-19 is our current threat for who knows how long and we have to be prepared for the next pandemic. We need clear guidelines for workers and employers to keep everyone safe. we need clear guidelines for workers and employers to keep everyone safe.	9/23/20 7:27 pm CommentID:85588

		Sincerely, Pamela Tetro FNP-C	
Richard Linsday	Strongly oppose permanent order	This temporary order is so new we do not know its affect on businesses and more importantly we don't know how effective it is from a safety perspective. The least we could do is see how this works out and what lessons can be learned from a "temporary" rule.. It seems outrageous to me, almost a fraud, to institute a temporary rule and within 60 days make it be permanent, with no results to show. The least we could do is analyze the results before piling on excessive regulations and open up many businesses to excessive liability.	9/23/20 7:44 pm CommentID:85590
CB Smith	Strongly oppose	With stringent regulations in place businesses will be afraid to open for fear of lawsuits. That will limit job opportunities, and people want jobs. The current temporary order is our best medical guess as effective protective measures. I am worried that when we reopen we may or may not see a spike in cases, which then means that perhaps these protective orders weren't our best solution. I strongly encourage you to keep this protective order in a temporary status until after, at minimum this winter's is cold and flu season is over.	9/23/20 7:51 pm CommentID:85591
Terri Cooper	Strongly oppose!	This is a violation of constitutional rights and cannot be enforced . There will be mass dissent.	9/23/20 7:55 pm CommentID:85592
Trish Vaughan	Keep the Standard on Occupational Exposure to COVID 19 permanent for Employers	Our citizens need to feel safe going to work, have access to PPE and know that their jobs are not at risk in the event they contract Covid-19. Please keep the Virginia's Emergency Temporary Standard on Occupational Exposure to COVID-19 in place permanently and show how Virginia is leading the way again by keeping these standards in place rather than having them expire in January. Show the rest of the states, that Virginia's protects our employees in our commonwealth. Safety first, will lead us into economic recovery faster. Thank you. -Trish Vaughan Fredericksburg, Virginia	9/23/20 7:56 pm CommentID:85594
Kathleen Temple	strongly support!	Our society desperately needs permanent workplace health and safety standard on COVID-19 to support essential workers and ALL workers. The current pandemic is surely not going to be our last. We must set up the safety standards now • Virginia needs a strong and *permanent* standard. - The proposed standard provides strong protections for workers and clear guidance for employers. - This standard will save lives, prevent COVID-19 spread and help get Virginia's economy moving again. Thank you for your consideration, Kathleen Temple, Rockingham Virginia	9/23/20 7:57 pm CommentID:85595
David Knighton	Strongly oppose permanent mandate	Strongly oppose	9/23/20 7:58 pm CommentID:85596
Kathleen Kurtz	Workplace safety	I strongly support the passage of a permanent workplace health and safety standard on COVID-19 to support the many workers who do important work for all of us. It is only right to ensure their safety.	9/23/20 7:58 pm CommentID:85597
Irene Caperton	Permanent workplace health and safety standard on COVID-19	I ask your support of a permanent workplace health and safety standard on COVID-19. This will serve to protect employees and provide guidance to employers. The result will be improved health outcomes and a more efficient recovery of the economy. Thank you for consideration of this action.	9/23/20 7:59 pm CommentID:85598
Jeff Busch	Strongly oppose	I strongly oppose making this permanent. The studies are ever evolving for the virus.	9/23/20 8:19 pm CommentID:85601
Kristen Reid	Strongly oppose making this permanent	While I could support an extension, I can't support making this permanent. We have no idea what the future holds so any move of permanency would be a mistake and an infringement on rights.	9/23/20 8:21 pm CommentID:85602
Lois Sandy	Please support upgraded standards to guide employers and protect all workers re: COVID-19 advice.	Please support the best scientific advice for guiding employers and protecting all workers from exposure to COVID-19. I believe it is the only way we can safely open up and improve our schools and economy. Thank you for serving the well-being of all citizens, Lois Sandy	9/23/20 8:26 pm CommentID:85603
Rodney Weaver	Strongly Oppose	Strongly oppose this mandate!	9/23/20 8:29 pm CommentID:85605
James White	Permanent masks	I strongly oppose permanent masking as a form of preventing COVID as a infectious control measure by the department of labor of the state of Virginia.	9/23/20 8:35 pm CommentID:85607
M. Volz	Agree!!	**As a small business owner caring for cancer patients and senior citizens, it is crucial that businesses and individuals take public health & safety seriously. This mandate is necessary!** **Too many, including our president, have ignored the experts resulting in our country being overrun with covid 19. Public health is not and should not be a political issue. We need this mandate to ensure that everyone is doing their part for the good of the community**	9/23/20 8:41 pm CommentID:85609
Roger Barnett	Strongly Oppose masks	Strongly oppose masks and more onerous regulations! Stop injecting a political ruse into a permanent cure for a temporary problem.	9/23/20 9:00 pm CommentID:85610
Jacqueline H. Dwyer	I STRONGLY SUPPORT Virginia's Emergency Temporary Standard (ETS)	Virginia needs a strong permanent standard and the ETS is a good start, although I hope it will become permanent or at least be in effect for more than the six months that COVID-19 is expected to still be around. The proposed standard provides strong protections for workers and clear guidance for employers. It will save lives, prevent COVID-19 spread and help get Virginia's economy moving again. Thank you!	9/23/20 9:01 pm CommentID:85611
Deborah Talley	Permanent Standards For The Workplace	I think that permanent standards are needed to protect all workers, because it seems like CORVID isn't going away. And all worker's need to be protected from any pandemics that may come about in the future.	9/23/20 9:04 pm CommentID:85612
Anonymous	Let people decide for themselves! Stop the control.	We are 6 months into this 14 days to flatten the curve. We are 6 months into realizing that the scientific predictions were wrong. We are 6 months into Government overreach. What ever happened to people making their own choices for themselves and their families? If people feel the need to wear a mask, let them. If people do not feel the need to wear a mask, they should be allowed that right as well. Employers should not be made to require their workers to wear a mask, if they want to enforce mask wearing, they can. If an employer does not want to force mask wearing on their employees or customers then they shouldn't. Then customers and employees alike all have the choice to continue work or giving their business to those who share their choices. It really is a simple idea, one that protects individuals own rights.	9/23/20 9:10 pm CommentID:85613
Charlotte Harman	Permanent protection plan	Virginia should always protect workers. We need a permanent health protection plan in force not just for COVID but for all flus present and not yet here.	9/23/20 9:11 pm CommentID:85614
Floyd Colemam	opposition	no no. This is infringement	9/23/20 9:13 pm CommentID:85615
Susan Buchheit	This is diabolical	STRONGLY opposed to the Department of Labor and Industry's COVID-19 Regulations becoming Permanent. In a time where some reports estimate that 20-25% of businesses will close forever, these regulations threaten to drive those numbers even higher. Businesses, especially small businesses, are already struggling to survive these hard economic times and these regulations only increase the burden on them. The business community had no real input when they were originally drafted and developed and when they were put in place. The regulations were developed too quickly and are incredibly broad in scope. On top of these regulations, the business community also needs to follow guidelines from the CDC, OSHA and there is guidance in the CARES ACT as well. Those regulations alone change almost week to week, increasing the amount of regulations that businesses will have to adhere to will only make a hard situation more difficult. We also see the DOLI Regulations dramatically increasing the amount of litigation that will go to the courts. The have created a litany of reasons for filing a lawsuit, and a majority of those reasons are based on an individual's prospective, rather than on facts and the situation. Making the DOLI Regulations permanent will hurt businesses and our individual freedoms.	9/23/20 9:15 pm CommentID:85616
Susan Parsley	Strongly opposed to permanent restrictions	I believe making the measure put in place for Covid permanent is extremely pre mature. This also should be an individual choice, not one forced upon anyone	9/23/20 9:25 pm CommentID:85618
Jennie L Waering	Please protect Virginia's workers	Dear Virginia Legislators,' Do you remember how it felt like when your colleague from Lunenburg failed to tell you and his other fellow legislators that he had tested positive for COVID 19? What if your employer made you come back to work without taking the precautions required in the Temporary Act after co-workers tested positive? What do you trade off to risk infection? What if you are the breadwinner for your family and you cannot afford to be fired? What if your elderly and immunocompromised mother lives in your home and you were concerned about taking the virus home to her? What if you have a child with asthma and her doctor told you, the parent, that you must take extreme precautions against her acquiring the virus? This is NOT a burden on the employer issue. This is NOT a money issue. This is a life and death issue for some employees and their families- it could be for you, for your spouse, for your son or your daughter. These are extraordinary times. We don't know when those times will go away. **More than 200,000 United States Citizens have died from this virus.** Please think with your heart when you vote on this issue. Please think of your mandate as a legislator to work **FOR THE PEOPLE.** Please don't let your people down. Let your vote be on the side of morality. Remember you are commanded to care for "the least of these." Thank you for your consideration. Jennie Waering	9/23/20 9:32 pm CommentID:85619
Anonymous	Strongly Support Covid Workplace Safety Requirements.	Virginia needs a strong permanent standard for work protection and workplace safety. The proposed standard provides strong protections for workers and clear guidance for employers. This standard will save lives, prevent COVID spread, and as a result help get the Commonwealths workplaces and economy back to work and moving forward.	9/23/20 9:46 pm CommentID:85620
Isabel Ressler, Virginia Organizing	Support permanent regulations, protect workers!	This standard will save lives, prevent COVID-19 spread and help get Virginia's economy moving again. Please make these standards permanent!	9/23/20 9:52 pm CommentID:85622
Susan Joyce	COVID Safety Standards	Virginia needs clear and enforcible health and safety standards to prevent COVD 19 in the work place.	9/23/20 9:59 pm CommentID:85623
Carolyn Caywood	Strongly Support a Permanent Standard against COVID-19	Workers in Virginia need a strong permanent standard to protect their health and safety. I think the proposed standard provides strong protections for workers and clear guidance for employers. It's the sort of guidance I relied on when I was a manager. Now I rely on younger people taking precautions to avoid spreading COVID-19 to those of us who are more vulnerable. This standard will save lives and prevent COVID-19 spread, and that will help get Virginia's economy moving again. We have to stop this lurching back and forth between relaxing rules and infection surges that force tightening of rules. Standards make a difference.	9/23/20 10:14 pm CommentID:85626
Dale Dean	I Strongly Support Permanent Standards for Workplace Health and Safety in this Era of Covid-19	I strongly support making permanent the Emergency Temporary Standards (ETS) for Covid-19. VA needs strong permanent standards for workplace health and safety to ensure social distancing, regular cleaning, or other safety protocols. These standards will protect workers and provide clear guidance for employers. They can limit the spread of Covid-19, save lives and help Virginia's economy recover. Thank you for considering my comment.	9/23/20 10:32 pm CommentID:85627
Angela Brown	Strongly support standards for protecting workers	Please support strong standards to protect workers and others, especially from covid. Thank you for caring about the citizens who are keeping things going these days. —grateful senior citizen	9/23/20 10:57 pm CommentID:85630
Dana Brown	Strongly Opposed	Strongly opposed to making the Covid-19 restrictions permanent.	9/23/20 11:01 pm CommentID:85631
Rachel Clark	Strongly oppose permanent	**I strongly oppose a permanent face covering requirement as there is no scientific or clinical evidence to support this measure. The current pandemic is an isolated situation and should be treated as**	9/23/20 11:03 pm

	face cover requirements	**such.**	CommentID:85632
Anonymous	Strongly Oppose!!!	Strongly Oppose...please think carefully before you do this. Think about those that can't wear a mask all day. There are many reasons from trauma, religion to health. The CDC just came out with the stats on SURVIVAL rates for different age groups 0-19 99.997%, 20-49 99.98%, 50-69 99.5%, 70+ 94.6% Think about that! Use common sense. This is not an emergency. This does not warrant this kind of action. It is just ridiculous.	9/23/20 11:22 pm CommentID:85635
Patricia A. Seiler	Strongly support	I strongly support passage of a permanent workplace health and safety standard on COVID-19 to keep workers safe. All of us have been told to wear masks, wash our hands, and practice social distancing. All workplaces should be required to do their part to make sure that workers are as safe as possible. Virginia needs a strong permanent standard. A temporary standard is not enough. The proposed standard provides strong protections for workers and clear guidance for employers. It will save lives, prevent COVID-19 spread and help get Virginia's economy moving again. We are counting on you to continue to protect everyone who works in Virginia. Sincerely, Patricia A. Seiler	9/23/20 11:29 pm CommentID:85636
Teresa McConnel	Strongly Support Health and Safety Standard	I am writing to strongly support a permanent Workplace Health and Safety Standard for workers in Virginia, especially in this time of Covid 19. It is unclear how long the danger and threat of this contagious disease with continue to be among us. Workers need to know that if they risk their health and their lives to return or continue to work at their workplaces, that the Commonwealth of Virginia will be there to uphold basic standards for their safety.	9/23/20 11:46 pm CommentID:85637
K Stewart	Strongly opposed to Restrictions	Businesses are already suffering and more will close if restrictions are not lifted. People cannot conduct their business in the current hostile to business environment. These restrictions hurt the customers as well because they will not be able to fully patronize a business under the current restrictions. All need to be lifted including the idiotic mask requirement. Stop causing further division and destruction of the community. Virginia must be fully open and restrictions free!	9/24/20 12:54 am CommentID:85639
David H.	Strongly opposed	I strongly oppose keeping permanent mask wearing in place.	9/24/20 3:45 am CommentID:85640
Rebecca	Workplace safety standard	I support the transition of the temporary workplace safety standard to a permanent workplace safety standard. It is important that people be safe at their jobs, especially because viruses like this are not a one-off occurrence. Stronger rules will help everyone.	9/24/20 6:16 am CommentID:85642
Anonymous	Moving Forward	Need for all Workers No Exceptions	9/24/20 6:50 am CommentID:85643
Tom Schoedel	Oppostion to DOLI regulation	Opposition to DOLI regulation	9/24/20 7:50 am CommentID:85647
Jeff Stonehill	No Way Strongly oppose	Its time to get back to "business". Stop trying to control small business. Its the flu, take universal precautions and on with it !	9/24/20 8:07 am CommentID:85650
Debby Girvan	Opposed	As a small business owner, I am opposed to the excessive regulations mandated on small business. The increased costs and potential liability create an oppressive environment for business development in the Commonwealth.	9/24/20 8:08 am CommentID:85651
Rebecca	covid regulations	We have an extremely contagious virus, we MUST wear masks.	9/24/20 8:10 am CommentID:85654
anonymous	opposed	You can't legislate Common Sense. Big Brother bureaucracy again trying to think for us. Once the workshift is over, the lemmings are going to go do what they please where they please to do it.	9/24/20 8:12 am CommentID:85655
Anonymous	DOLI	Opossed	9/24/20 8:34 am CommentID:85657
Anonymous	opposed	Unfair in this hard times	9/24/20 8:35 am CommentID:85658
Emily T.	Strongly Oppose	I strongly oppose keeping permanent mask wearing in place.	9/24/20 8:37 am CommentID:85659
Dorothy Chaplin	COVID	Please stop putting added pressure to employers. We are all doing our part to ensure folks are safe, but the regulations cost us time and money that could go to help us fight COVID. Please stop these COVID regulations on employers.	9/24/20 8:37 am CommentID:85660
Anonymous	No Masks!	No Masks! Stop trying to take away our freedoms!	9/24/20 8:40 am CommentID:85661
Elizabeth T Giles	Proposed permanent face covering	I strongly oppose this proposed regulation.. The pandemic is an isolated incident and there is absolutely no scientific research or clinical evidence to support the proposal. Moving in this direction would present the community with continued manifestation of mental, emotional and social illnesses. This dictate is an infringement on human rights.	9/24/20 8:51 am CommentID:85662
David Giles	No health crisis / no masks	In times of no pandemic, no masks!	9/24/20 8:54 am CommentID:85663
Pat Lewis, Chesapeake Bank	Strongly OPPOSE making DOLI regulation permanent	As a small employer that does it's absolute best to provide a safe, engaging, great work environment for all of our employees, we strongly oppose making this DOLI regulation permanent. It is burdensome, and takes precious time, efforts and resources away from truly helping our employees. It has caused us to do nothing more that we were already doing, but has added a level of administration and regulation that is causing a distraction. Virginia employers are smart enough to do the right things to protect it's employees, OR employees will seek employment elsewhere, which takes care of any issue that DOL would trying to address with this burdensome regulation. Please do the right thing and let this regulation expire. Thank you	9/24/20 8:55 am CommentID:85664
Stacy Watson	Time to return to business as normal	these mandates & protocols are a burden to businesses and our communities. I strongly oppose making these protocols permanent as it is apparent that this virus is as dangerous as the flu, if not less than. It is time for our businesses, communities & people to live & work as before - free & with choices. It is time for us to build our economy & community back as we have always done as Americans. Let's put our funds to growth & not towards limitations & ridiculous protocols. Stop living in fear & stop forcing insane regulations on our businesses!	9/24/20 8:55 am CommentID:85665
Timothy J.	Oppose - freedom, trust in citizens, this won't stop with COVID	Virginians should be free to choose how they want to handle this and the next health crisis to come. This is about government overreach and the taking away of our freedoms. The market place and we who make it work should be free to determine the extent to how we treat these situations. If a business doesn't provide the protection we believe is necessary, don't engage it. If an employer refuses to provide the protection we believe is necessary, then find one who does. The Virginia government is not our mother and the more responsibility and freedoms we cede to it will empower this leviathan to continue dictating how we must live and raise our families.	9/24/20 8:57 am CommentID:85667
Ray Funkhouser	Forced mask use! Overreach!	This is such an example of government overreach. We have seen many examples during this pandemic of government overreach. This is especially true when someone wants to feel powerful without using common sense. This one size fits all mentality is very harmful to not only individuals but businesses as well. Small businesses have been put out of business for no reason. This legislation is not a good one and too overreaching. Does a private home become a public place if someone visits. Please let this one go. We have seen that we have contained this virus to what the original objectives were. Flatten the curve so our health system can handled the cases that arise. We have done that. Keep promoting awareness of what can be done to minimize the virus.	9/24/20 8:58 am CommentID:85668
Annie Cupka	Strongly oppose making this permanent.	Our businesses are already struggling to stay alive. Making these permanent will further stifle their ability to recover.	9/24/20 8:58 am CommentID:85669
Oscar Giles	Permanent Face Covering	Absolutely opposed to the above proposed regulation.	9/24/20 9:02 am CommentID:85670
Brandon Knowlton	OPPOSE	To much regulation and overstepping.	9/24/20 9:03 am CommentID:85671
Jennifer Ruckner	Strongly opposed	Strongly opposed to this action.	9/24/20 9:04 am CommentID:85672
Anonymous	STOP Th MADDNESS	Keep DOLI out! As a business owner we don't need another governing body that will create another layer of guidelines. Many businesses and most especially small business are working with reduced revenue and higher cost of operations due to the restrictions the government has already created. I have always followed infection control processes, I've implemented changes to follow CDC and VDH guidelines to make my businesses as safe as possible for our employees and customers. As a small businesses owner I'm personally still recovering from the closure and most certainly do not have the resources to pay employees to stay home for several days because of common allergy, cold and flu symptoms mirror SARS symptoms. Adding this new layer will only burden on the mental wellness of an employee and the business with the slightest sniffle, cough or pressure that come with these common conditions. Please let's STOP THE MADNESS!!!	9/24/20 9:08 am CommentID:85674
Buddy Henley	COVID-19 Workplace Safety Emergency Regulations	***I am a business owner who primarily conducts business in Virginia, and I oppose making the COVID-19 Workplace Safety Emergency Standard permanent.*** ***Six months into the pandemic, I have learned to adapt to this unprecedented time by implementing industry-specific guidance from the Governor, the Virginia Health Department, the CDC, and OSHA to ensure physical distancing and extensive sanitization. I want to keep my employees safe because I care about their welfare.*** ***Now is not the time to make the emergency temporary standard permanent when it's likely this pandemic will be temporary. Imposing "one size fits all" COVID-19 regulations on all employers and employees is unreasonable especially when guidance is continually changing as we learn more about the virus and how best to protect against it's spread. Knowing the temporary standard expires in February 2021, there is plenty of time for the Board to wait until we know more about how long the pandemic could last before taking any further action.*** ***My company takes its responsibility for protecting our employees seriously. Making the COVID-19 emergency regulations permanent will only make a difficult situation worse for employers and employees. I remain concerned about the impact many of the provisions of the emergency regulations are having on my business and encourage the Board to not make them permanent.***	9/24/20 9:08 am CommentID:85675
Patricia Vinkenes	The Gospel requires us to protect our most vulnerable workers--permanently extend.	Jesus tells us that whatever we do for the least of our brothers, we do for him. When over 200,000 Americans have died, and as we approach the flu season, it is critical that you permanently extend these protections. COVID is not going away any time soon. A clear, science-based standard from one agency gives necessary guidance to employers and workers during a pandemic. The Institute for Health Metrics & Evaluation at the University of Washington predicts that death will reach 410,000 by January 1st. These protections are vital for all Virginians but particularly our most vulnerable essential workers. Thank you	9/24/20 9:10 am CommentID:85676
Kaley Crosen	Strongly oppose!	Strongly oppose!!	9/24/20 9:13 am CommentID:85677
Judy A Rhodes	Absolutely no need to make	Small businesses are struggling and do not need to face more regulation, especially by making these items permanent. We work very hard already at complying with mandates that have been handed down. Our	9/24/20 9:15 am

	these permanent.	goal as business owners is to keep our customers safe and happy but we don't need the state looking over our shoulder at every turn to tell us how to do that. We are adults that are able to make these determinations on our own.	CommentID:85678
Neil Adams	Strongly Oppose Making this Measure Permanent	Steps should be take to prevent the spread of Covid-19 to keep the public safe, but if these measures are made permanent then it will be difficult to change when the crisis has passed. Don't make a bad situation worse.	9/24/20 9:15 am CommentID:85679
Dan Walker, Waco, Inc.	COVID-19 Workplace Safety Emergency Regulations	I am a business owner in Virginia, and I oppose making the COVID-19 Workplace Safety Emergency Standard permanent. Six months into the pandemic, I have learned to adapt to this unprecedented time by implementing industry-specific guidance from the Governor, the Virginia Health Department, the CDC, and OSHA to ensure physical distancing and extensive sanitization. I want to keep my employees safe because I care about their welfare. Now is not the time to make the emergency temporary standard permanent when it's likely this pandemic will be temporary. Imposing "one size fits all" COVID-19 regulations on all employers and employees is unreasonable especially when guidance is continually changing as we learn more about the virus and how best to protect against it's spread. Knowing the temporary standard expires in February 2021, there is plenty of time for the Board to wait until we know more about how long the pandemic could last before taking any further action. My company takes its responsibility for protecting our employees seriously. Making the COVID-19 emergency regulations permanent will only make a difficult situation worse for employers and employees. I remain concerned about the impact many of the provisions of the emergency regulations are having on my business and encourage the Board to not make them permanent. Respectfully, Daniel M. Walker, President Waco, Inc.	9/24/20 9:16 am CommentID:85680
V.L. Roth	Strongly Opposed	Why do VA employers need rules more restrictive than those set by the CDC? This may be a pandemic, but not a "permanent-dimic"	9/24/20 9:18 am CommentID:85682
JAMES BENNETT	Strongly Oppose	This is a burden to small businesses. As conditions change such as vaccines, availability of PPE, economy, changing conditions. Unreasonable and unattainable requirements will put many small businesses out of business! If somehow business can stay open, they would have to significantly increase cost to end user customers to try to keep their doors open, which will hurt all.	9/24/20 9:25 am CommentID:85683
Daniel Rude	COVID Opposition	*I am a business owner in Virginia, and I oppose making the COVID-19 Workplace Safety Emergency Standard permanent.* *Six months into the pandemic, I have learned to adapt to this unprecedented time by implementing industry-specific guidance from the Governor, the Virginia Health Department, the CDC, and OSHA to ensure physical distancing and extensive sanitization. I want to keep my employees safe because I care about their welfare.* *Now is not the time to make the emergency temporary standard permanent when it's likely this pandemic will be temporary. Imposing "one size fits all" COVID-19 regulations on all employers and employees is unreasonable especially when guidance is continually changing as we learn more about the virus and how best to protect against it's spread. Knowing the temporary standard expires in February 2021, there is plenty of time for the Board to wait until we know more about how long the pandemic could last before taking any further action.* *My company takes its responsibility for protecting our employees seriously. Making the COVID-19 emergency regulations permanent will only make a difficult situation worse for employers and employees. I remain concerned about the impact many of the provisions of the emergency regulations are having on my business and encourage the Board to not make them permanent.*	9/24/20 9:25 am CommentID:85684
Frank Lucia, Delta Dental of Virginia	Clarity, Consistency and Fairness needed	Delta Dental of Virginia is the Commonwealth's largest dental benefits carrier. We employ more than 300 Virginians, provide dental coverage to more than two million people and more than 5,000 employer groups. From our headquarters in Roanoke, we answer more than 670,000 calls and process more than four million claims annually. Our subscribers and the dentists who serve them rely on our quick and accurate claims processing. Our sophisticated system has allowed us to continue meeting the needs of our customers even as we have deployed more than 90 percent of our workforce to a work-from-home arrangement. This has allowed us to implement specific health and safety measures at our office facilities based on CDC and other recommendations. Protecting the health and safety of our employees is and will continue to be our top priority. While we have been able to maintain an excellent level of service throughout this pandemic, we have a need to begin returning key employees to the office. To do so, it is imperative that the health and safety rules are clear, consistent and reasonable. While we support workplace health and safety protocols, Delta Dental of Virginia echoes the position communicated by the Virginia Chamber of Commerce and we encourage you to refrain from making the temporary standards permanent. If a permanent rule is pursued, we support the additional clarifications recommended by the Chamber. Lastly, we request that enforcement of any COVID-19-related health and safety provisions be treated with leniency, particularly given the extent to which Virginia businesses are attempting to meet demanding, and sometimes complicated and changing, rules. Thank you for your consideration. Frank Lucia President and CEO	9/24/20 9:25 am CommentID:85685
Jim Burke	Strongly support passage of a permanent workplace health and safety standard on COVID-19	We have recently seen that Virginia's temporary workplace health and safety standards have improved working conditions. Virginia needs, however, a strong permanent standard. The proposed standard provides strong and essential protections for workers and clear guidance for employers that will enhance business operations. I strongly support passage of this standard which will save lives, prevent COVID-19 spread and help get Virginia's economy moving again. Thank you	9/24/20 9:26 am CommentID:85686
DAVID	Very strongly Oppose	As a Safety professional in the construction industry for the last 20 years, my dedication and duty to my workers is to provide a safe work environment to all of them. We have followed all CDC, DOLI and Government guidelines as well as the VA temporary standard, to insure we practice social distancing, wearing of masks on all projects, hand washing stations, hand sanitizer, cleaning of equipment and education on practices to apply in their homes. All of the things I have stated are things we reinforce everyday. To now come up with a permanent standard does not in my opinion do anything but give the state a way to make more money by inspecting business's and fining them for what ever reasons they can find. This does not help make things safer, it does not make employees feel safer and it surely does nothing to help combat and prevent this awful disease. I strongly object to this standard being made permanent and hope we all can get thru this safely.	9/24/20 9:26 am CommentID:85687
Anonymous	STRONGLY opposed to COVID-19 Regulations becoming Permanent	These regulations are just an increased burden that makes running a business that much more difficult.	9/24/20 9:32 am CommentID:85688
Myself	Proposed Permanent Standard for COVID for Infectious Prevention:SARS-CoV-2 Virus.	I write in strong support of the proposed permanent standard to help protect Virginia workers from the COVID-19 virus. It is clear the virus is not going away anytime soon. A permanent standard would not only protect Virginia's hard-working employees during the current Corona Virus Pandemic, but would also help should a new and different pandemic occur in the future. A clear, science-based standard from a single agency would give the necessary guidance to employers and workers alike during this and future pandemics. It is clear that all Virginia workers require these needed protections and I respectfully urge the Safety and Health Codes Board to move quickly to adopt a strong, permanent standard. Sincerely, Bruce Burton Alexandria, VA	9/24/20 9:33 am CommentID:85689
Anonymous	Covid-19 Workplace Safety Emergency Regulations	Gentlemen, Although we agree with the emergency regulation for the COVID-19 issue, once a vaccine is in place and the epidemic is under control, there is no need to make this regulation permanent. This would place undue hardship and cost on developers and contractors, while not controlling any hazard. If a hazard does not exist, how can you justify a regulation.	9/24/20 9:33 am CommentID:85690
Carl Lechner	COVID-19 Workplace Safety Emergency Standard	Good morning, I'm reaching out to express my opinion that the COVID-19 Workplace Safety Emergency Standard should not be made permanent. Although I feel that Virginia handled the COVID situation better than many other states, the overall approach was and is a fundamental governmental over-reach and is unconstitutional. The limitations on the ability to work and to earn a living for both business owners and "workers" has been devastating to our state and our country. This should never happen again. I strongly recommend that we do not make this a permanent standard that will undoubtedly only lead to further infringement on and erosion of our rights as citizens. Thank you,	9/24/20 9:33 am CommentID:85691
Richard Franey	Am steadfastly opposed	The fact that there has been no public hearing is of major concern as to 1) why 2) who is pushing this and 3) why are trying to enact a permanent fix for a temporary issue. As a business owner I have some significant concerns with several components of this regulation. Hold a public forum where all comments and concerns can be heard and if it is necessary to move forward then do so. There are also some concerns that all committee members may not be transparent in their motives which creates credibility issues.	9/24/20 9:33 am CommentID:85692
J Markell, Sunrise Landscape and Design	Strongly opposed to more regulations and burdens to small business	Strongly opposed-Businesses need help, not more burdensome regulations that are very unfair. We do not have endless financial resources. Guidance would be helpful but something as random as disease cannot all fall on the employer the employee also as to be accountable to themselves and their actions.	9/24/20 9:35 am CommentID:85693
Sonia Quinonez	strongly support permanent labor standards to protect workers from virus spread	We need strong, rational, long-term focused leadership in this moment. Temporary safety measures are not what this moment calls for. Virginia took the lead in setting up emergency labor standards in the wake of the current pandemic; now we need you to show even stronger leadership by putting in place permanent standards that will enable our businesses to open up in rationale ways that protect workers and customers alike, that enable our communities to minimize viral spread, and that make us more resilient in the face of future pandemic threats. Please act now!	9/24/20 9:40 am CommentID:85696
Tom Miller	Covid-19 emergency standard	Strongly oppose a permanent emergency standard	9/24/20 9:45 am CommentID:85697
Anonymous	ETS COVID	Strongly Oppose.	9/24/20 9:47 am CommentID:85699
Jacki	Strongly oppose	I strongly oppose this attempt to control businesses and the population at large by restricting our rights, our ability to work, provide for our families, and our right to assemble. You are creating an enviroment that forces the individual to depend on government, and bow to government, by putting unreasonable regulations on business. Businesses have great concern for their employees and customers. One trip to Chick Filet or Target, will show you that business have listened to the experts and changed the entire way they do business to protect their employees and their customers. Though most of the population is not in danger from this virus, the entire country has changed their daily life and the way we do business to save those who are at risk. That is what Americans do. We rise to the occassion, we beat the enemy. We dont do it by surendering our liberties to anyone. This Board is operating beyond the scope of their existance and its desire to make these controls permant, beyond the current crisis, is evidence of their ultimate goal. The public and businesses alike have been patient and cooperative for an extremely long time, not knowing that that cooperation would be used to attempt to rule them in the future.	9/24/20 9:53 am CommentID:85700
Kristine Heine	Virginia's Emergency Temporary Standards		9/24/20 9:57 am CommentID:85702
Anonymous	Absolutely opposed to this	This would violate basic human rights.	9/24/20 10:01 am CommentID:85704
Anonymous	Strongly support making temporary pandemic standards permanent	Thank you for adopting emergency temporary standards for workers during the pandemic. Since Covid-19 continues to be a major problem and likely to worsen again this Fall, I urge the Department of Labor to adopt strong, permanent standards to protect workers and provide clear guidance for employers. It is important that all employees in Virginia, but especially those on the front lines of food production and services, are protected from the novel coronavirus and other viruses that afflict our society, not only for their own health, that of their families, and people they may come into contact with, but also for the health of the commonwealth's economy. Please make the temporary standards permanent.	9/24/20 10:05 am CommentID:85708

Melody Emswiler	Strongly Oppose!	OSHA's General Duty Clause mandates all businesses to provide for a safe workplace for all employees; therefore, it is my opinion that it is not necessary to impose further mandates that in this case are vague and cumbersome. Prior to the passage of the temporary guidelines at the onset of the Pandemic, VA businesses were working hard at this and not because it is a mandate, but because we care about our employees, customers, and communities. Thank you.	9/24/20 10:05 am CommentID:85709
Anonymous	Opposed	I oppose codifying a permanent DOLI infectious COVID standard. All aspects of this public health emergency should have been handled exclusively by the Virginia Department of Health. Instead, we have two state agencies performing the same activities. VOSH/DOLI are already overburdened with the occupational safety inspections and investigations in their purview. The ETS has buried them even further and compromised their ability to focus on their original mission. There is a reason that no other state jumped on this bandwagon. It is an administrative nightmare and doesn't improve any of the actual protection and mitigation strategies that employers were already implementing. Do not make this administrative nightmare permanent.	9/24/20 10:08 am CommentID:85710
L. Massey	Strongly opposed	I strongly oppose the Dept. of Labor and Industry's COVID-19 Regulations becoming permanent. Temporary orders will suffice as we begin to approach the end of this pandemic. Any permanent orders will financially burden small business owners, who will then need to pass those costs to consumers.	9/24/20 10:09 am CommentID:85711
S. Pit	Reasonable Opposition	Opposition to making standards permanent is "reasonable" as the guidance surrounding this pandemic continually changes making these standards permanent would be confusing and ineffectual. Additionally, within these standards, there are many conflicts and inconsistencies. Furthermore, the training requirements create a problem as the guidance shifts and employees question "who trained you about COVID?" A few specific areas that place significant burdens on businesses are (1) 16VAC25-220-80 E Training- keeping current with ever-changing guidelines and retraining employees almost daily on the changes. (2) 16VAC25-220-90 C "Reasonable" concern is litigious and costly business as the concerns raised to media/social media has to be defended in both a court of law and the court-of-public-opinion. Reporting should be limited to the employer, employer's agent, and government agency all of which have significant power to address and mitigate concerns. (3)16VAC25-220-90 D is conflicting with 16VAC25-60-110 because if the employer is following the standards, then an employee cannot refuse to work without the consequence of termination as following the standards enables the workplace to be considered safe. (4) Reporting to the Department of Health is the job of the medical professionals who are doing the testing. The Dept of Health does not accept reports from businesses. Additionally, after a business is notified by an employee, there is no follow-up or training by the health district to address employee concerns, it falls back on the non-medically trained employer to address this situation. (5) Finally, there is little notice to small businesses about changes or updates or even the publication of these standards. Businesses who do not participate with Chamber of Commerce or advocacy/lobby groups would not be aware of any of these standards or requests as the "publication of the notice in a Richmond newspaper" is a grossly inadequate method of notification in this digital time. At minimum a notice to all registered businesses with the VA SCC should be required. Why are we standardizing a system for a particular disease? Shouldn't we be standardizing a system for any possible pandemic or community outbreak? Standards that are specific to a COVID-19 will not be pertinent to a COVID -20 and we will be doing this all over again... These standards do not protect employees in the way that one would want to be protected and they create a burden on businesses for a condition that is out of the control of businesses. A business is not "creating" an environment that causes infectious disease, yet they are being treated as if they are doing so. The current news shows the lack of concern of the public with house-parties and other super-spreader events... not of businesses!	9/24/20 10:12 am CommentID:85712
Anonymous	NO MORE!	No! I will not live like a slave. Get off our backs and out of our lives. We've had enough and will not sit quietly by while government dictates every aspect of our lives in the name of "safety".	9/24/20 10:12 am CommentID:85713
Anonymous	COVID-19 Emergency Safety Regulations -- Keep Temporary	I am an employee of a small but essential business in Virginia, and I oppose making the COVID-19 Workplace Safety Emergency Standard permanent. Six months into the pandemic, I have learned to adapt to this unprecedented time by implementing industry-specific guidance from the Governor, the Virginia Health Department, the CDC, and OSHA to ensure physical distancing and extensive sanitization. I want to keep my employees safe because I care about their welfare. ***Now is not the time to make the emergency temporary standard permanent when it's likely this pandemic will be temporary***. Imposing "one size fits all" COVID-19 regulations on all employers and employees is unreasonable especially when guidance is continually changing as we learn more about the virus and how best to protect against it's spread. Knowing the temporary standard expires in February 2021, there is plenty of time for the Board to wait until we know more about how long the pandemic could last before taking any further action. My company takes its responsibility for protecting our employees seriously. Making the COVID-19 emergency regulations permanent will only make a difficult situation worse for employers and employees. I remain concerned about the impact many of the provisions of the emergency regulations are having on my company and encourage the Board to not make them permanent. Thank you, Concern Employee of Virginia	9/24/20 10:13 am CommentID:85714
Tammy Vincent	OPPOSE mandatory wearing of facemasks and shutdowns	I do not agree with the mandatory wearing of face coverings for any age group or population or for any business legally requiring their patrons to do so. NO TO FACE MASK WEARING REQUIREMENT!	9/24/20 10:26 am CommentID:85716
Jennifer Cooper	Strongly support	Virginia needs a strong permanent workplace health and safety standard on COVID-19 to support workers. The proposed standard provides strong protections for workers and clear guidance for employers. This standard will save lives, prevent COVID-19 spread, and help get Virginia's economy moving again.	9/24/20 10:29 am CommentID:85718
John Avis	Strongly Oppose	The regulations are overly burdensome, contradictory with the CDC, VDH, and DOLI's own standard template.	9/24/20 10:33 am CommentID:85719
Cathy J	Masks permanent	Very strongly oppose	9/24/20 10:39 am CommentID:85722
Anonymous	Strongly Oppose	This government overreach has gone on way to long and must stop immediately. This country is about freedom, just leave us alone. 15 days to flatten the curve, moved to destroy the economy to try and make Trump lose, it has backfired in your faces. This rise of the mini tyrants has gone on way to long. Just leave us alone, your lies and constantly changing narrative and goal posts has destroy any credibility you ever thought you may have in trying to protect us. We all see now that it all has been a lie. Just leave us alone.	9/24/20 10:40 am CommentID:85723
Evelyn Ruffin	Permanent Health and Safety Standard	The pandemic brought on by the Covid-19 virus has revealed how important employer-provided health and safety measures are to their employees. Because Covid-19 promises to be with us for the indefinite future and because a widely available vaccine remains months away and its efficacy over the long-term is unproven, I think that enforceable permanent standards of health and safety in the workplace should be passed by the state legislature.	9/24/20 10:41 am CommentID:85725
Cathy johnson	Strongly oppose	.no masks	9/24/20 10:42 am CommentID:85726
Nicholas Vincent	Super Duper Strongly Oppose	Choice not mandate.	9/24/20 10:47 am CommentID:85727
Andrea Fields	Strongly Oppose	I strongly oppose! The regulations are overly broad, unduly burdensome, and contradictory to the opinions set forth by the CDC and VDH which state that face coverings do not stop the spread of COVID-19 or any other virus. It is preposterous to force face coverings on us and our businesses.	9/24/20 10:47 am CommentID:85728
Karen Gay	Absolutely Not! Read the Science.	These regulations are burdensome and not based on science. Smallpox killed 30% of people infected. The Virginia mortality rate for COVID is .03%. Anybody can calculate this ... ~3000 deaths divided by 8.5 million people. Here's a study from 1981 saying that masks are not helpful - even in a hospital. https://pashev.me/files/orr-1981.pdf?fbclid=IwAR3RclIJ7bVYFWWUCcoQa0tOc1hUHCZm05NTC0j_7Dm7XU5AJ65zBKYAEEA. So perhaps the health authorities in VA should actually do their homework and study the science rather than mindlessly accepting what they hear on the news.	9/24/20 10:47 am CommentID:85729
Barbara Allen	Strongly Support	I'm writing in support of implementing a permanent standard of Virginia's Emergency Temporary Standard (ETS). We need a strong health and safety standard that supports and protects all workers and gives clear guidance for employers. This standard will save lives, prevent the spread of COVID-19 and get Virginia's economy moving again. More importantly, a permanent health and safety standard supports a stronger Virginia economy. Virginia and the entire country are facing unprecedented challenges due to COVID-19, which means in my humble opinion, that our elected officials must come together and pass critical bills that protect workers and the majority of the American people, who have been affected by this virus, through no fault of their own. I don't understand how this can be so misunderstood for those who have been elected to solve problems. They must do the necessary work, regardless of party affiliation, to represent us with honesty, respect, and integrity to solve our collective problems now! We urge these officials to step up and do the job we expected them to do! It's time that we turn the corner, not kick all of these issues down the road for another time or election. The time is upon us now to do the right and honorable thing for your constituents. Thank you for providing me with the opportunity to share my opinion.	9/24/20 10:48 am CommentID:85730
Matt taylor	Strongly opposed	strongly opposed to mandatory masks. The science does not support this kind of mandate.	9/24/20 10:55 am CommentID:85732
Chris Cage	Absolutely Oppose	I absolutely oppose the permanent wearing of masks.	9/24/20 10:56 am CommentID:85733
LISA FUQUA	VERY STRONGLY OPPOSE	VERY STRONGLY OPPOSE	9/24/20 10:57 am CommentID:85734
Anonymous	Covid-19	*I am a business owner in Virginia, and I oppose making the COVID-19 Workplace Safety Emergency Standard permanent.* *Six months into the pandemic, I have learned to adapt to this unprecedented time by implementing industry-specific guidance from the Governor, the Virginia Health Department, the CDC, and OSHA to ensure physical distancing and extensive sanitization. I want to keep my employees safe because I care about their welfare.* *Now is not the time to make the emergency temporary standard permanent when it's likely this pandemic will be temporary. Imposing "one size fits all" COVID-19 regulations on all employers and employees is unreasonable especially when guidance is continually changing as we learn more about the virus and how best to protect against it's spread. Knowing the temporary standard expires in February 2021, there is plenty of time for the Board to wait until we know more about how long the pandemic could last before taking any further action.* *My company takes its responsibility for protecting our employees seriously. Making the COVID-19 emergency regulations permanent will only make a difficult situation worse for employers and employees. I remain concerned about the impact many of the provisions of the emergency regulations are having on my business and encourage the Board to not make them permanent.*	9/24/20 10:59 am CommentID:85735
Our Lady Queen of Peace Catholic Church	permanent workplace health and safety standard	Virginia needs a strong permanent standard. - The proposed standard provides strong protections for workers and clear guidance for employers. - This standard will save lives, prevent COVID-19 spread and help get Virginia's economy moving again. This standard should be around for much more than 6 months. People and companies need support in understanding what they need to do to keep a healthy work environment. Having the standard will keep employers in the know. Workers will return to work and feel comfortable to do so.	9/24/20 10:59 am CommentID:85736
Bob Hambleton	.	VERY STRONGLY OPPOSE	9/24/20 11:03 am CommentID:85737
Kristy	Opposed to permanent mask mandate	If workers feel safer, if community members feel safer wearing masks, then go for it, but to make this a permanent mandate is a no. People are able to be hateful behind their computers, now they are able to be hateful behind a mask. No. No. No. I would rather not live to see the day that this day becomes a "new normal".	9/24/20 11:05 am CommentID:85740
Rhonda Ligon	Workplace Health Standards for Covid19	I strongly support high standards for workplace health protection. Everyone is inter-connected during this pandemic. We must protect all people.	9/24/20 11:06 am CommentID:85741
Bob Hambleton	VERY STRONGLY OPPOSE	VERY STRONGLY OPPOSE	9/24/20 11:07 am CommentID:85742
Jeff Stapel	Strongly Oppose Permanent Standard	The ETS once published is flawed because it is trying to deal with regulating a medical condition that is not well understood, studied or static. With a virus that the CDC is constantly changing it's protocols on, responding to new research and findings, new testing means and processes, and reinterpreting the means and methods of data collection which the very definition of a pandemic are based on, how can a regulation not be obsolete as soon as it is published. There is a need for flexibility and adaptability for businesses to be able to deal with this changing landscape which ETS does not provide currently. If it is not able to adjust not to the changing information and needs, how will it if it is made permanent. The reliance on sanitizing surfaces when there is not reliable science to show the transmission from surfaces exists. The reliance on masks where there is not reliable science to show that it is effective. The reliance on social distancing and the definition of close contact which there is not sufficient research to support the effectiveness of these strategies in the current time and for all future situations. The presumptions which this standard is built on have not been substantiated by sufficient science tested over time to make it reliable to base a regulatory standard upon. Let the ETS end then allow sufficient review and research to be done to determine what really was the best response to COVID-19. Then consider if a regulatory response is ever going to be able to predict the best future response to a viral pandemic that will have numerous unknown variables. That is not what regulations do best, ever!	9/24/20 11:36 am CommentID:85745
Donald L Baylor	Wearing Mask, Required PPE and Access toEemergency Leave	Workers must be provided the medical grade PPE when working in high risk environments such as our prisons and jails. We know that these workers are more susceptible to this virus while working indoors, especially when working in areas where individuals are positive with corona virus. Not only should these workers have the medical grade mask and face coverings, but covering to protect their clothing as well. Should one of these workers be exposed to the virus and the need to quarantine arise, these workers should have access to the leave under the Family First Corona Virus Medical Leave Act. As it stands right now many of these workers are having to use what ever leave they may have accumulated when they have to quarantine. In Virginia's prisons Correctional Officers are being exempted from the emergency leave	9/24/20 11:36 am CommentID:85746

		should they be exposed to the virus and forced to use their personal leave balances when having to quarantine to prevent the risk of spread. That is not right! This Pandemic is not going anywhere any time soon and there is already concern that another virus is on the horizon. These essential employees should not be exempt from the emergency leave that is afforded to others when they too are risking their lives to provide the Commonwealth and its communities with good public safety. We need tough standards and we need to make them permanent.	
Concrete Pipe & Precast, LLC	Emergency Temporary Standard Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19	I **strongly oppose** making the Emergency Temporary Standard Infectious Disease Prevention: SARS-CoV-2 Virus that causes COVID-19, 16VAC25 as a permanent standard. We have gone to great expense and effort to comply to the emergency temporary standard and do not think that there is just reason to make it a permanent standard. We were in compliance with this emergency standard as soon as the CDC recommendations came out in March which was way before the emergency standard became a requirement in Virginia. We care about the safety and well being of our employees and visitors to our plants and will always safeguard them from harm regardless. We do not need of a VOSHA standard to make us do the right thing. We will do the right thing on our own because it is the right thing to do for our employees and our business. John M. Blankenship CEO Concrete Pipe & Precast	9/24/20 11:38 am CommentID:85747
Lisa Clay	STRONGLY OPPOSE: No right to make healthcare decisions for us!	These mandates have been ridiculous from the start. No government agency has the right to make healthcare decisions on behalf of us. Masks are not proven to be 100% effective and lockdowns inhibit the immune system, making people even more prone to disease and viruses. Hydroxychloriquine has been withheld/discouraged, despite being effective at the early stages of this virus. It would make much more sense to let this run it's course without lockdowns and mask mandates, instead providing the HydroxyQ and azithromycin regimen at early onset for those who wish take the treatment. The people have had enough!	9/24/20 11:42 am CommentID:85748
Fred Hedgecoth	INTENSELY OPPOSED TO THIS IDIOTIC NONSENSE	Tucker Carlson says it better than I can: I'm sorry but anyone that thinks that social distancing is a good idea for the next few years, actually wants to be micro-chipped or thinks that a 'benevolent' dictatorship is for the good of humanity, I don't want to give that point of view any of my energy. I am a free Human Being and if you want to stay home, stay home. That's your sovereign right to choose. If you want to wear a mask, wear a mask. That's your sovereign right to choose. If you want to avoid large crowds, avoid large crowds. That's your sovereign right to choose I am not required to descend into poverty for YOU. I am not required to abstain from human contact for YOU. I refuse to participate in "quarantine life" until there's an unsafe, untested vaccine released in eighteen months. I refuse to receive a vaccine to make others feel more safe. That's my sovereign right to choose! If you're convinced the vaccine is safe and effective, you can get it yourself. Some of you are allowing fear and policies devoid of scientifically accurate data to destroy the country you live in and ruin your life. We have a constitutional right to take risks. Life is full of bacteria and viruses, many of which spread before symptoms manifest and after they subside. We have a sovereign right to receive OR refuse vaccines. The data was inaccurate at best; purposely overblown to justify government overreaction at worst. Stop allowing the government to destroy:?The food supply;?Small businesses;?Medical autonomy;?Access to healthcare;?Mass gatherings;?Privacy rights;?Our mental health & freedom When the "new normal" is filled with starvation, depression, suicide, child abuse, domestic violence, imprisonment, governmental spying, and pure DESPERATION, the "virus" is going to look preferable to the world you helped facilitate. I'm going to turn this around on people from now on. Those that say I'm (or anyone that supports this) putting money over lives by wanting the country back open for business... Hear this: -YOU don't care about the people that will kill themselves out of hopelessness -YOU don't care about small businesses that'll close their doors (THEIR LIVELIHOOD) permanently -YOU don't care about the children/women/men that'll be victims of domestic abuse -YOU don't care about people defaulting on their mortgages -YOU don't care about bills going unpaid by families with ZERO income right now -YOU don't care about people wondering where their next meal will come from -YOU don't care about the people that'll lose their sobriety and slip back into alcoholism -YOU don't care about the people that will starve -YOU support the inevitable looting that'll take place -YOU don't care about anyone that's murdered the longer this shut down goes on -YOU don't care about people's mental health -YOU don't care about the children that DO need teachers and educators to guild & educate them -YOU don't care about the economy crashing down around us -YOU DON'T CARE. -YOU love your shackles -YOU are pathetic, begging your leaders for MORE shut down and MORE regulations and MORE handouts I will NOT tolerate another person telling me that I don't care about lives. I care about the situation in its entirety. But YOU don't care about any of that so...?YOU stay home.?YOU wear a mask.?YOU live in fear. I on the other hand will not. As is my sovereign right to choose NOT TO!	9/24/20 11:43 am CommentID:85749
Anonymous	Strongly oppose as written	As a small business, family owned and operated for the past 14 years, we have maintained our Bed and Breakfast and have complied with established codes. As written, the new regulations would place unwarranted burdens on our business, forcing us to close. Certainly, the purpose of new regulations to address COVID is to stop its spread, not close businesses by requiring each to adhere to regulations that do not account for the size, staff and potential impact on those businesses.	9/24/20 11:44 am CommentID:85751
Chris Willis	Strongly Opposed	Dear Members of the Safety and Health Codes Board: I write to you to register my strong opposition to making the COVID-19 Emergency Temporary Standard (ETS) permanent. Our business is committed to the safety and welfare of our customers, employees, and community. While the risk of COVID-19 transmission has not yet been eliminated, I harbor serious concerns that the currently enacted emergency measures are overly burdensome and will negatively affect our regional businesses' ability to continue operating if made permanent. Confusing and ambiguous language in the ETS, as well as ever-changing directives from various state and federal health authorities has made running a business in the most challenging of times even harder. We will continue to make good faith efforts to keep our employees safe and follow public health best practices. Please support your local businesses and reject any extension of the Emergency Temporary Standard.	9/24/20 11:45 am CommentID:85752
Franciso Rojas	STRONGLY OPPOSE		9/24/20 11:45 am CommentID:85753
Julie Coons, Northern Virginia Chamber of Commerce	Northern Virginia Chamber Comments on 16 VAC 25-220	Thank you for the opportunity to comment on the proposed Permanent Standard for COVID for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220. Our membership remains concerned, as we were in July with the temporary standard, that the regulation is overly burdensome and that regulators have not followed an appropriately public process for its development. The Northern Virginia Chamber is also a member of the Virginia Business Coalition and would like to associate our organization with the comments the Coalition has submitted separately. The novel nature of COVID-19 means the scientific consensus of how to reduce the spread has changed over time and will continue to change. In the short 7 months this country has dealt with COVID, only handwashing and social distancing have remained at the fore of recommended prevention methods – not even the ubiquitous mask-wearing we see in Northern Virginia was recommended in the first several weeks. However, this regulation becoming permanent ignores the potential for changing science, which does not make people safer but places a massive burden on businesses. Making it permanent also ignored the many problems with the temporary standard as laid out in detail in the Coalition's comments. We would ask that should you proceed with the adoption of a permanent standard, you make the following changes: 1. Please remove 16VAC25-220-50 B.1.b. - Requiring all existing buildings in the Commonwealth to upgrade their HVAC systems to the latest standard, instead of when replacing or in new buildings which is the standard process for building code updates. 2. Please remove any reference to sick leave. While the regulation attempts to provide clarity and specificity in regards to health and safety of employees, the references to sick leave policies are vague and not in concert with the rest of the regulation. Employers are already bound by the federal law referenced in the regulation – the Families First Coronavirus Response Act – and this is not an appropriate method to enforce a federal law 3. Please return to the language originally drafted providing safe harbor to employers following federal guidance. Businesses have operated under CDC and OSHA guidance since March and should be recognized for keeping people safe during that time. 4. Additionally, please address the process, substantive, business impact, and other concerns raised by the Virginia Business Coalition This regulation should sunset at the expiration of Gov. Northam's Executive Order as stipulated in the Emergency Temporary Standard (ETS). We would argue that the expiration will allow regulators to assess the current science at that time and allow the Administration to truly engage with all stakeholders to see what changes are necessary to keep people safe and keep businesses open. It would also allow for the many concerns the business community has raised to be addressed As I said in my comments in June, the Northern Virginia Chamber has a long history of working with Virginia leaders to create good public policy. The process for this regulation continues to preclude the ability for collaboration between all stakeholders. We implore you to reconsider adoption of a permanent standard and instead allow the ETS to remain as previously adopted and direct regulators to work with stakeholders to address concerns in the ETS. We stand ready to work with the Northam Administration and the General Assembly on ways to protect employees and customers as Virginia continues to reopen its economy safely. Thank you. Sincerely, Julie Coons President & CEO Northern Virginia Chamber of Commerce	9/24/20 11:46 am CommentID:85755
Jerry Dominguez	STRONGLY OPPOSE		9/24/20 11:47 am CommentID:85756
Bryan Bumgardner, Fortiline Waterworks	Strongly oppose	Members of the Safety and Health Code Board, As the Virginia Market General Manager of Fortiline Waterworks, an employer of many in the heavy construction industry, I oppose adopting a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220. I am opposed to any amendment to include other flus, viruses, colds, or other communicable diseases in any permanent standard. There is no one-size fits all plan to combat a wide variety of infectious illnesses. The Emergency Standards are burdensome, obsolete, difficult to enforce, costly in time and money, and lack flexibility to adapt to current science and innovation. I am STRONGLY OPPOSED to the adoption of these as a Permanent Standard for what is a temporary health situation. I remain committed to the health and safety of my employees and thank you for the opportunity to publically comment.	9/24/20 11:47 am CommentID:85757
Steve Jones	STRONGLY OPPOSE		9/24/20 11:48 am CommentID:85758
Charles Jones	STRONGLY OPPOSE	Members of the Safety and Health Code Board,	9/24/20 11:49 am CommentID:85759

		As an employee/crew leader in the heavy construction industry, I strongly oppose adopting a Permanent Standard for Infectious Disease Prevention: SARS CoV-2 Virus that causes COVID 19, 16VAC25-220. Construction is an essential business performing critical work for the Commonwealth of Virginia, especially since the onset of the pandemic. Health and safety is important for my crew and my company has made it a priority. My employer has implemented all of the CDC and OSHA COVID-19 guidelines as soon as information was available and are in compliance with the CARES Act mandates. I cannot imagine how much this has costs my employer but I know it has pulled resources from my projects for training which has resulted in my projects falling behind. In addition to my normal daily startup procedures I am not required to ask medically related questions each day to make sure each person on the jobsite does not have any sickness, symptom or signs of any illness and perform screenings/temp checks. Our industry, from what I understand, can only hire people 18 or older - this is the definition of an adult at this age and my crew members should be accountable for their own health and not report to work if they are sick. I should not be asked to check people's temperatures and personally invade their medical life when they should be capable of doing this for themselves. Let's ask individuals to rise up to accountability and responsibility as opposed to treating them like children and invading them personally. I am also shocked that the amendment would broaden to include other flus, viruses, colds etc. to the permanent standard. I do not have a medical degree or training, nor should I have to in order to perform my job in the construction industry (my co-workers should not have to have this responsibility or training either). Making this standard permanent and/or broadening it is such a burden to small businesses and the people who work in the small businesses. I am committed to my employer and my crews and their health and safety, but this over reaching and will ultimately costs the state and consumers more money.	
Faye Lickey	Strongly Oppose Adopting a Permanent Standard	The Emergency Standards are burdensome, obsolete, difficult to enforce, costly in time and money, and lack flexibility to adapt to current science and innovation. I am STRONGLY OPPOSED to the adoption of these as a Permanent Standard for what is a temporary health situation.	9/24/20 11:50 am CommentID:85760
Brian Jones	STRONGLY OPPOSE		9/24/20 11:50 am CommentID:85762
James Locklin	STRONGLY OPPOSE		9/24/20 11:52 am CommentID:85763
Barbara Jones	STRONGLY OPPOSE ADOPTING A PERMANENT STANDARD	I strongly oppose adopting a Permanent Standard for Infectious Disease Prevention: SARS-CoV2 Virus that causes COVID-19, 16VAC25-220 and amendments to include other flus, viruses, colds or other communicable diseases in any permanent standard.	9/24/20 12:00 pm CommentID:85764
Charles Ford	STRONGLY OPPOSE ADOPTING A PERMANENT STANDARD		9/24/20 12:03 pm CommentID:85765
Ray Bare	STRONGLY OPPOSE ADOPTING A PERMANENT STANDARD		9/24/20 12:04 pm CommentID:85766
Jan Osborne	Proposal to make mask mandate permanent	I VERY STRONGLY OPPOSE making then mask mandate permanent. If a vaccine is expected to be available, why should the mask wearing be made permanent?? Strongly feel this is a crisis that is not permanent, so why make mask wearing permanent? ABSOLUTELY NOT!	9/24/20 12:08 pm CommentID:85767
Anonymous	no more mask	I strongly oppose this, our rights have been violated too long already!!!!!!!	9/24/20 12:09 pm CommentID:85768
KAREN BERRIER	STRONGLY OPPOSE ADOPTING A PERMANENT STANDARD	Members of the Safety and Health Code Board, As the Controller, Corporate Secretary/Treasurer in the heavy construction industry, I oppose adopting a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus that causes COVID-19 16VAC25-220. I am opposed to any amendment to include other flus, viruses, colds, or other communicable diseases in any permanent standard. There is no one-size fits all plan to combat a wide variety of infectious illnesses. The Emergency Standards are burdensome, obsolete, difficult to enforce, costly and lack flexibility to adapt to current science and innovation. I am STRONGLY OPPOSED to the adoption of these as a Permanent Standard for what is a temporary health situation. I remain committed to the health and safety of my coworkers/employees and thank you for the opportunity to comment. Karen Berrier	9/24/20 12:16 pm CommentID:85770
Cheryl Holmes	Proposal to make masks permanent	Strongly oppose	9/24/20 12:20 pm CommentID:85772
Robert B. P. Thompson	Oppose of permanent standard for Infectious Disease Control	Oppose as written.	9/24/20 12:25 pm CommentID:85773
Katherine Fiedler	Permanent Workplace Safety Standard - Strongly Support	Employees in Virginia deserve a **permanent standard** for workplace health and safety as the Covid-19 pandemic continues to affect schedules and expectations in the workplace. The proposed standard provides strong protections for workers and clear guidelines for employers. This standard will save lives, prevent the spread of Covid-19, and will help get the economy across Virginia moving again. I strongly support the permanent workplace safety standard, and I support the health and safety of all employees in Virginia.	9/24/20 12:26 pm CommentID:85774
Tanya Hudson	STRONGLY OPPOSE	Stop harassing the people!	9/24/20 12:28 pm CommentID:85775
Penny Perry	Strongly support permanet workplace health and safety standard on COVID-19.	I strongly support a permanent workplace health and safety standard on COVID-19 to support workers. Virginia needs a strong permanent standard. The proposed standard provides strong protections for workers and clear guidance for employers. This standard will save lives, prevent COVID-19 spread and help get Virginia's economy moving again.	9/24/20 12:32 pm CommentID:85777
William Wright	Consideration for people with disabilities	Would recommend guidance for workers who have prosthetics (i.e.: wheelchairs, crutches, leg/arm prosthetics)	9/24/20 12:37 pm CommentID:85778
Jay Hobbs	Strongly Oppose	This is a simple abuse of power and overreach by Governor Northam and this regulatory agency. Neither the Virginia Constitution, nor the Code, nor the U.S. Constitution support the Executive branch imposing a non-legislative, mandatory masking requirement on healthy citizens. Prior to his death, Justice Antonin Scalia said that the greatest threat to freedom lies within the expansive and unaccountable regulative agencies, and this is a perfect example of this danger that the late Justice warned us about. That this is a pure and unjustified power grab can be further seen by the current "with-COVID" death toll in Virginia. Just 122 Virginians under the age of 50 have died with a positive COVID testing--comparable to virtually any cause-of-death statistic that can be dreamed up over a six-month span. Nearly half of the 3,113 reported COVID-related deaths have been among those 80 years and older, with another quarter of all related deaths coming among those 70 and older. My grandmother is over 80 and my family and I take great care to avoid physical contact with her. The facts indicate that this is a real disease that poses a danger to some people, but they also indicate that there is no conceivable justification for forcing all Virginia citizens to live under quarantine conditions for the foreseeable future. It is also telling that while your department is threatening to unilaterally impose an illegal order on Virginians in the name of public health and safety, unborn children continue to be ripped limb from limb at an astonishing rate in our state. Some 7,000 Virginian babies have been killed in the womb since COVID--twice the reported number of COVID deaths. Until this scourge is addressed and done away with under the law, the Governor's appeal to health and safety will fall on deaf ears across our Commonwealth.	9/24/20 12:42 pm CommentID:85779
Anonymous	Oppose DOLI Regulation Changes	I do not support the DOLI making the emergency temporary standard reagarding COVID-19 permanent. Safety comes first, but it should not be regulated in this way. This would make it even more difficult to conduct business in the state of Virginia and I strongly oppose making these standards permanent.	9/24/20 12:45 pm CommentID:85781
P lee	Oppose	We oppose this action.	9/24/20 1:05 pm CommentID:85786
Kate Bates	Arlington Chamber Opposition to Making ETS Permanent	September 24, 2020 Commissioner C. Ray Davenport Virginia Department of Labor and Industry 600 East Main Street, Suite 207 Richmond, VA 23219 Safety and Health Codes Board Virginia Department of Labor and Industry 600 East Main Street, Suite 207 Richmond, VA 23219 Dear Commissioner Davenport and Members of the Safety and Health Codes Board, The Arlington Chamber of Commerce and our more than 700 members place the highest priority on our workforce and customers' health and safety during the ongoing pandemic. In support of this goal, the Chamber has worked, and will continue to work, to share critical information and best practices with community, including our partnership with Arlington Economic Development in creating the Return to the Workplace Toolkit. Clear and consistent workplace health protection protocols will help Virginia's businesses operate safely, but we believe that the Emergency Temporary Standard for COVID-19 Prevention falls short of this goal. As such, we encourage the Board not to make the Emergency Temporary Standard permanent. Making this standard permanent and potentially adding provisions could place a significant burden on businesses that continue to struggle with the economic consequences of this pandemic. Moreover, we believe that businesses should have flexibility to apply practices that work best for achieving health and safety in their circumstances. The shifting regulatory landscape continues to be a challenge for their recovery, especially for small businesses. We encourage the Board not to penalize businesses that have given a good faith effort in following these complex and evolving rules. We thank you for your consideration of these comments. Sincerely, Kate Bates President & CEO	9/24/20 1:07 pm CommentID:85787
JAMES G BECKNER	Opposed to PERMANENT regulations for a TEMPORARY crisis!	As a small business employer, there is no denying that workplace health and safety are of paramount importance. The Commonwealth already has comprehensive temporary standards in place. However, establishing onerous permanent regulations for a temporary health emergency is absurd. As written, the proposed permanent standard will apply to all Virginia businesses indefinitely, including the time when COVID-19 is no longer a declared public health emergency. At such a time when vaccines and treatments are available, the standards will no longer be necessary. Language must be included that specifically limits application of these measures only to a period of declared public health emergency due to COVID-19.	9/24/20 1:07 pm CommentID:85788
Kelly Thompson	Oppose	Strongly Oppose adoption of a permanent standard	9/24/20 1:11 pm CommentID:85791
Anonymous	Oppose DOLI Regulation Changes	100% Oppose! Stop the nonsense!	9/24/20 1:13 pm CommentID:85792
J. Hall Homes, Inc.	Oppose DOLI Regulation Changes	Absolutely OPPOSE!!! No More Masks!	9/24/20 1:14 pm CommentID:85793
Joshua Rodriguez	Oppose	These mandates have been ridiculous from the start. No government agency has the right to make healthcare decisions on behalf of us. Masks are not proven to be 100% effective and lockdowns inhibit the immune system, making people even more prone to disease and viruses. Hydroxychloriquine has been withheld/discouraged, despite being effective at the early stages of this virus. It would make much more sense to let this run it's course without lockdowns and mask mandates, instead providing the HydroxyQ and azithromycin regimen at early onset for those who wish take the treatment. The people have had enough!	9/24/20 1:15 pm CommentID:85794

Restaurant	Infinitely OPPOSE!!!	Virginia should not become a state of dictatorship! Businesses are now even MORE at risk of permanent closure. This is going to wreak havoc on the ability of businesses to sustain on-going scrutiny whenever the Governor decides we, as a community, are at risk. This is a stranglehold that will shut down businesses or require them to reduce labor force in order to survive, especially come next May, when his new minimum wage takes effect, THAT WAS PASSED IN MARCH 2020 DURING A PANDEMIC!!! Businesses know what is best for employees and guests, and there should be some trust that businesses know the right thing to do. As a small business owner and restaurant owner, I do not need Richmond to make my life or the lives of my employees more perilous!!! My employees need their jobs, and some have been there 15 years and have children. I am on the verge of having to close unless I get further PPP, as it is. Making the public more afraid to leave their homes causes further harm to our economy and to our mental health. Give the citizens some credit for knowing if they are at-risk and need to take further precautions. As a small businesses owner, I am still recovering from the closure. In a time where some reports estimate that 20-25% of businesses will shut down permanently, these regulations threaten to drive those numbers even higher. Mine will be one of them, as my restaurant only holds 32 people and 8 seats have been out of use since they are counter stools. My business is down 50% and cannot sustain much longer. Increasing the number of regulations that my business will have to adhere to, will only make a hard situation more dire. This could bankrupt me as an employer who has fewer than 11 employees. These regulations create a litany of lawsuits, based on someone's perspective, rather than on facts. While facing devastating economic conditions Virginia's businesses continue to keep the safety and health of their employees as their top priority. Please REJECT the proposed permanent emergency regulations. This is an extreme response to a temporary health issue. We are already lowering our immune systems and our body's abilities to fight viruses, putting us at an increased risk for serious health complications. If this were to pass and become a permanent requirement, people will become sick, businesses will fail, unemployment will continue, mental health will continue to decline. Adding this will only burden on the mental wellness of an employee and the business with the slightest sniffle, cough or pressure that come with these common conditions. The government didn't put up the money for my business, and the more responsibility and freedoms we cede to, it will empower this Commonwealth to dictate how we must live and raise our families. That's called Dictatorship. Please let's STOP THE MADNESS!!! Enough with the insanity.	9/24/20 1:22 pm CommentID:85796
Slurry Pavers, Inc.	Unessesary permanent standard	I am opposed to adopting a Permanent Standard for Infectious Disease Prevention: SARS-Covid-2 Virus That Causes COVID-19, 16VAC25-220. It is important to delay implementation of any draconian rules until the subject has been thoroughly studied and analyzed. The cost to the public will be immense, and such drastic measures need to be fully vetted over time. David Moore, CFO, Slurry Pavers, Inc.	9/24/20 1:25 pm CommentID:85797
Carol Duffy Clay	Strongly Support Virginia's Emergency Temporary Standard (ETS)	I'm a Virginia resident and I am writing to urge you to make Virginia's Emergency Temporary Standard (ETS) a permanent workplace health and safety standard on COVID-19. Virginia led the nation in establishing this legislation and it has protected so many workers, especially the most vulnerable essential workers, during these very difficult times. We need to continue and establish a strong permanent standard that protects workers and give clear guidance to their employers. This is so critical to protect those who are working so hard, prevent the further spread of this virus, to save lives, and also to help businesses operate safely and revive our economy again. Thank you for the work you are all doing and for your attention to this very important legislation. Best, Carol Duffy Clay	9/24/20 1:28 pm CommentID:85798
EDennison	ONE GOAL - SAVE LIVES	Having a penalty enforced regulation will help keep workers (and yourself) safe (AND ALIVE) as we ALL navigate toward eradicating COVID-19. Mandatory masks = pandemic free.	9/24/20 1:32 pm CommentID:85799
Andrew Akers	Strongly oppose!	These masking rules are completely unneeded. These rules de-humanize the workplace and only create a toxic environment for all citizens. I strongly oppose making these rules permanent! They should have been ended yesterday!	9/24/20 1:41 pm CommentID:85803
Anonymous	Strongly Oppose these forced requirements, esp. as being permanent	The overreach of this administration has gone beyond logical. The financial burden being placed on employers is substantial as a temporary measure, let alone if they are enacted as permanent, for a situation that is temporary and will eventually be unnecessary.	9/24/20 1:42 pm CommentID:85804
Carol Chowdhry	Emergency Temporary Standard (ETS)	Virginia's Emergency Temporary Standard led the country in establishing protections for individuals working in exceptionally crowded conditions, such as meat packing facilities and call centers. Covid made these protections urgent. The disease is still with us, so the protections need to be made permanent. The workers who staff these facilities have been regarded as "essential." Therefore, are also essential. They also represent a standard of decent treatment that should be a minimum essential of decency.	9/24/20 1:45 pm CommentID:85805
Sharon Baroncelli, Shenandoah County Chamber of Commerce	Opposed to DOLI Regulations going permanent	On behalf of the Chamber's 450 members, we are opposed to these regulations going permanent due to the burdensome costs involved to implement on our small businesses. Our businesses are very concerned for the safety of their workforce and customers and they are taking all efforts towards that end. To place additional costly burdens on these businesses may end up to be their demise.	9/24/20 1:46 pm CommentID:85806
Charlotte Brody, BlueGreen Alliance	BGA Support for a Permanent Standard: No Safe Harbor in a Guidance Fog	The BlueGreen Alliance, a coalition of the nation's largest labor unions and environmental organizations, collectively representing millions of members and supporters, supports the adoption of 16VAC25-220, Proposed Permanent Standard Infectious Disease Prevention. To date, more than 3,000 Virginians have died because of COVID-19. Some not yet defined portion of the more than 140,000 men, women and children in the Commonwealth who have been infected by the virus will have long term cardiac and lung damage. The harm that COVID has already caused and the potential for an overpowering new wave of infection as the weather turns cold are the life-saving reasons to praise the emergency temporary standard and urge the promulgation of a permanent standard for infectious disease prevention based on the language of the ETS. We ask DOLI and the codes board to resist the effort of the Chamber of Commerce and some industries to add additional safe harbor language. The use of the terms "consider, may chose, encourage, should, and recommend" in the guidance documents issued by CDC and US OSHA leaves employers and workers without any clear framework for COVID safety. How can a worker or an employer determine what is needed for "a safe and healthful workplace" when US OSHA states in their March 2020 Guidance on Preparing Workplaces for COVID-19 that, **"The recommendations are advisory in nature, informational in content, and are intended to assist employers in providing a safe and healthful workplace."** This language may result in two long term care facility owners, two meatpacking corporations or two shipyard operators using CDC and OSHA guidance documents to consider and choose very different COVID safety procedures. In Virginia, the ETS sets out a well-defined set of steps that all workplaces must take to protect all employees from COVID-19. This clarity levels the playing field and provides protection for all workers, not just those lucky enough to have an employer who has voluntarily determined to strictly follow the CDC and OSHA advice. The impossibility of clearly defining what following CDC and OSHA guidance actually means makes a "safe harbor" for employers who follow CDC and OSHA guidance unenforceable and dangerous. A Virginia meat or poultry plant could argue that they deserve safe harbor status because they followed the Interim Guidance from CDC and OSHA to consider engineering controls and social distancing even if their consideration led the facility's decision makers to do nothing about either of these important safety measures.. The "provided that the CDC recommendation provides equivalent or greater protection than provided by a provision of this standard" language in the proposed permanent standard is essential to the efficacy of the rule. Virginia is charting the path that all states and the federal government should be taking. The BlueGreen Alliance thanks you for your leadership.	9/24/20 1:48 pm CommentID:85807
David Redford	Strongly Oppose Adopting a Permanent Standard	Members of the Safety and Health Code, As an employee of LB Water (David Redford Sales Manager) in the Heavy Construction Industry, I strongly Oppose adopting a Permanent Standard for Infectious disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220. I am opposed to any amendment to include other flus, viruses, colds, or other communicable diseases in any permanent standard. There is no one-size fits all plan to combat a wide variety of infectious illnesses. The Emergency Standards are burdensome, obsolete, difficult to enforce, costly in time and money, and lack flexibility to adapt to current science and innovation. I am STRONGLY OPPOSED to the adoption of these as a Permanent Standard for what is a temporary health situation. I remain committed to the health and safety of my coworkers and thank you for the opportunity to publically comment.	9/24/20 1:48 pm CommentID:85808
Nathan Akers	I strongly oppose this measure	I strongly oppose this measure. It is unreasonable and unnecessary to require people to cover their faces indefinitely. We are humans and need the human connection of each other's smiles and interaction. This is also a dangerous measure for children in establishing the precedent of not being able to indenting and recognize people and pictures and cameras. Child trafficking and predators are on the rise because of this mandate already.	9/24/20 1:52 pm CommentID:85810
J McCormick	Strong Oppose All Mask Mandates	Changes to policy should not be made at a time when this "health emergency" is so politicized. Any permanent changes to standards need to be put on hold until the event is over and the data can be reviewed objectively. Many actions are being made under the guise of safety without engagement of the people of the commonwealth, effectively circumventing the rights of the people you claim to be protecting. Any policy enacted should be put to a vote via formal referendum and/or legislative action.	9/24/20 1:52 pm CommentID:85811
Whitney Akers	Strongly disapprove!!	We do NOT want/need this overreaching measure. People should maintain the freedom to govern our own face covering choices. Strongly disapprove of this attempt to hyper-control!	9/24/20 1:52 pm CommentID:85812
Cady Perkinson	STRONGLY OPPOSE ADOPTING A PERMANENT STANDARD	As a Human Resources Manager in the heavy construction industry, I oppose adopting a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220. Construction worked for four and a half months under CDC and OSHA guidelines before the Emergency Temporary Standard became effective, July 27,2020. During those months we implemented critical safety measures to ensure the health of our employees. The federal guidelines for construction were working and additional regulations were duplicative and unnecessary.I am opposed to any amendment to include other flus, viruses, colds, or other communicable diseases in any permanent standard. There is no one-size fits all plan to combat a wide variety of infectious illnesses. The Emergency Standards are burdensome, obsolete, difficult to enforce, costly in time and money, and lack flexibility to adapt to current science and innovation. I am STRONGLY OPPOSED to the adoption of these as a Permanent Standard for what is a temporary health situation.	9/24/20 1:53 pm CommentID:85813
Wes Heath	Strongly Oppose Adopting a Permanent Standard	Members of the Safety and Health Code, As an employee of LB Water (Wesley Heath) in the Heavy Construction Industry, I strongly Oppose adopting a Permanent Standard for Infectious disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220. I am opposed to any amendment to include other flus, viruses, colds, or other communicable diseases in any permanent standard. There is no one-size fits all plan to combat a wide variety of infectious illnesses. The Emergency Standards are burdensome, obsolete, difficult to enforce, costly in time and money, and lack flexibility to adapt to current science and innovation. I am STRONGLY OPPOSED to the adoption of these as a Permanent Standard for what is a temporary health situation. I remain committed to the health and safety of my coworkers and thank you for the opportunity to publically comment.	9/24/20 1:57 pm CommentID:85814
Scott Baldridge	Strongly Oppose Adopting a Permanent Standard	Members of the Safety and Health Code, As an employee of LB Water (Scott Baldridge) in the Heavy Construction Industry, I strongly Oppose adopting a Permanent Standard for Infectious disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220. I am opposed to any amendment to include other flus, viruses, colds, or other communicable diseases in any permanent standard. There is no one-size fits all plan to combat a wide variety of infectious illnesses. The Emergency Standards are burdensome, obsolete, difficult to enforce, costly in time and money, and lack flexibility to adapt to current science and innovation. I am STRONGLY OPPOSED to the adoption of these as a Permanent Standard for what is a temporary health situation. I remain committed to the health and safety of my coworkers and thank you for the opportunity to publically comment.	9/24/20 1:59 pm CommentID:85815
Christian Johnston	Strongly Oppose Adopting a Permanent Standard	Members of the Safety and Health Code, As an employee of LB Water (Christian Johnston) in the Heavy Construction Industry, I strongly Oppose adopting a Permanent Standard for Infectious disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220. I am opposed to any amendment to include other flus, viruses, colds, or other communicable diseases in any permanent standard. There is no one-size fits all plan to combat a wide variety of infectious illnesses. The Emergency Standards are burdensome, obsolete, difficult to enforce, costly in time and money, and lack flexibility to adapt to current science and innovation. I am STRONGLY OPPOSED to the adoption of these as a Permanent Standard for what is a temporary health situation. I remain committed to the health and safety of my coworkers and thank you for the opportunity to publically comment.	9/24/20 2:00 pm CommentID:85816
Becky McDonough	Burdensome Regulation/Strongly Oppose	Overreaching government regulations will surely kill economic recovery.	9/24/20 2:00 pm CommentID:85817
Paul Shook	Strongly Oppose Adopting a Permanent Standard	Members of the Safety and Health Code, As an employee of LB Water in the Heavy Construction Industry, I strongly Oppose adopting a Permanent Standard for Infectious disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220. I am opposed to any amendment to include other flus, viruses, colds, or other communicable diseases in any permanent standard. There is no one-size fits all plan to combat a wide variety of infectious illnesses. The Emergency Standards are burdensome, obsolete, difficult to enforce, costly in time and money, and lack flexibility to adapt to current science and innovation. I am STRONGLY OPPOSED to the adoption of these as a Permanent Standard for what is a temporary health situation. I remain committed to the health and safety of my coworkers and thank you for the opportunity to publically comment.	9/24/20 2:01 pm CommentID:85818

Amy	Strongly Oppose	Strongly Oppose to adapting a permanent standard.	9/24/20 2:07 pm CommentID:85819
Permatile Concrete Products Company	VP Construction and Engineering	Members of the Safety and Health Code Board, I am an employee in the precast concrete industry. We produce essential products to support the infrastructure needs of the Commonwealth, I oppose adopting a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220. I am also a Civil Engineer with an dedication to pragmatic and common sense solutions to problems in business and life: • As a critical part of the Construction Industry we are an essential business that has been performing critical work in the Commonwealth since the onset of the pandemic. The health and safety of all employees is the top priority of our company. A culture of safety is our primary operating principle. We implemented the CDC and OSHA COVID-19 guidelines for construction as soon as they were published and are in compliance with the CARES Act mandates. • We worked for four and a half months under CDC and OSHA guidelines before the Emergency Temporary Standard became effective, July 27,2020. During those months we implemented critical safety measures to ensure the health of our employees. The federal guidelines for construction were working and additional regulations were duplicative and unnecessary. • The science of COVID-19 is continuously being updated. The CDC and OSHA guidelines are frequently updated to reflect the science. The Emergency Temporary Standard, proposed in April 2020, is outdated and inflexible. If the standard were to become permanent, it would continue to require businesses to comply with outdated regulations. What was thought to be true about the transmission of SARS-CoV-2 in April, is no longer accurate. As an example, the disinfection standard requirements are based on practices that now may not provide meaningful reduction in transmission. An hour or more a day is spent disinfecting tools and equipment. It is time consuming and burdensome to continue with practices no longer scientifically relevant. • The costs of the required training (16VAC25-220-70 and 16VAC25-220-80) average a total of 2 hours per employee. Developing the Infectious Disease Preparedness and Response Plan (16VAC25-220-70), not including implementation, requires approximately 40 hours by a supervisory level employee. These hours are in addition to and impede other job functions. • Non-medically trained individuals now are required to perform health screenings. Screening each employee on average, takes thirty minutes at the start of a shift. Individuals must take accountability for their own health and not report to work if they are exhibiting the symptoms of COVID-19. After six months, Virginians should be very well aware of those symptoms. Our company, as mandated by the CARES Act, provides the Paid Sick Leave necessary for employees to stay home if they are ill. • Under the umbrella of Construction, our job tasks fall into the "Low" and "Medium" categories as defined in 16VAC25-220-30. The standards use "Grave" danger to regulate **ALL** businesses in Virginia, yet the great majority of deaths in Virginia (79% or 2269 as of September 23rd Virginia Department of Health Dashboard) were patients over the age of 70. As it is unlikely many over the age of 70 were actively still in the workplace, that leaves 613 deaths over 6 months or a death rate in Virginia of.007% based on a population of 8,536,000 (2019 US Census Bureau). Further, 54% (1556) of deaths were patients in long-term care and correctional facilities. As not all of those deaths fall into the over 70 category, that means less than 613 deaths were ***potentially*** working Virginians. Where they were exposed to the virus is not provided in the data. The definition of "Grave" danger for "low" and "medium" risk category needs to be revisited. These categories should be removed from the Temporary Standard and never be part of any Permanent Standard. I am opposed to any amendment to include other flus, viruses, colds, or other communicable diseases in any permanent standard. There is no one-size fits all plan to combat a wide variety of infectious illnesses. The Emergency Standards are burdensome, obsolete, difficult to enforce, costly in time and money, and lack flexibility to adapt to current science and innovation. I am STRONGLY OPPOSED to the adoption of these as a Permanent Standard for what is a temporary health situation. I remain committed to the health and safety of my coworkers and thank you for the opportunity to publically comment. Thank you John Rainero, P.E.	9/24/20 2:09 pm CommentID:85820
Lauren Akers	Strongly Apposed	I am strongly apposed to this regulation, both as a temporary measure and a permanent one. There is a 100% mortality rate among humans. We all die. It is NOT the government's job to keep us safe from illness. Making face coverings mandatory is an extreme government over reach.	9/24/20 2:11 pm CommentID:85822
Jaime Baldwin	Strongly Oppose	I strongly oppose a permanent mandate to wear masks when in public.	9/24/20 2:16 pm CommentID:85824
Allen Tire	ETS regulations	Strongly oppose	9/24/20 2:17 pm CommentID:85825
Kate	Strongly oppose	It doesn't make sense to make it permanent, we had several different strains of the flu over the years and have never done anything like this. We have survived and thrived after all of these so why would we do something so radical at this time??	9/24/20 2:18 pm CommentID:85826
M Warner	Strongly Oppose	The temporary standard from April 2020 is outdated. People need to take accountability for their own health. After 6 months we should know the symptoms. The transmission of Covid-19 is no longer accurate or relevant. This is a temporary situation. Why make this a permanent standard? I strongly oppose to the making the temporary standard permanent.	9/24/20 2:19 pm CommentID:85827
Daniel Rickmond, BHCI	Strongly Opposed to Adopting a Permanent Standard	I work in the construction industry and supervise workers in the field. I strongly oppose instituting any permanent standards in regard to COVID-19. We already impose strict safety compliance standards and are adhering to all guidelines. Instituting a permanent standard on something that was just instituted as a temporary standard 60 days ago is negligent. Furthermore living in a state where masks and temperature checks are the permanent way of doing business is not a place anyone with common sense would want to live. I am opposed to any amendment to include other flus, viruses, colds, or other communicable diseases in any permanent standard. There is no one-size fits all plan to combat a wide variety of infectious illnesses. The Emergency Standards are burdensome, obsolete, difficult to enforce, costly in time and money, and lack flexibility to adapt to current science and innovation. I am STRONGLY OPPOSED to the adoption of these as a Permanent Standard for what is a temporary health situation. I remain committed to the health and safety of my coworkers and thank you for the opportunity to publicly comment.	9/24/20 2:19 pm CommentID:85828
Anonymous	Strongly Oppose	Strongly oppose	9/24/20 2:21 pm CommentID:85830
Lauren Akers	Strongly Oppose	I am strongly opposed to this regulation, both as a temporary measure and a permanent one. There is a 100% mortality rate among humans. We all die. It is NOT the government's job to keep us safe from illness. Making face coverings mandatory is an extreme government over reach.	9/24/20 2:24 pm CommentID:85832
Amy	Very strongly opposed	Very strongly opposed	9/24/20 2:27 pm CommentID:85834
Melinda Lewis	Strongly Support	Virginians need a strong permanent standard. The proposal provides strong protections for workers and clear guidance for employers. It will save lives, prevent COVID spread and get our economy moving again. This works for all of us, not just some or a few, but all of us.	9/24/20 2:29 pm CommentID:85835
Anonymous	Department of Labor and Industry Announces Intent to Adopt a Permanent Standard for Infectious Disea	*I am a business owner in Virginia, and I oppose making the COVID-19 Workplace Safety Emergency Standard permanent.* *Six months into the pandemic, I have learned to adapt to this unprecedented time by implementing industry-specific guidance from the Governor, the Virginia Health Department, the CDC, and OSHA to ensure physical distancing and extensive sanitization. I want to keep my employees safe because I care about their welfare.* *Now is not the time to make the emergency temporary standard permanent when it's likely this pandemic will be temporary. Imposing "one size fits all" COVID-19 regulations on all employers and employees is unreasonable especially when guidance is continually changing as we learn more about the virus and how best to protect against it's spread. Knowing the temporary standard expires in February 2021, there is plenty of time for the Board to wait until we know more about how long the pandemic could last before taking any further action.* *My company takes its responsibility for protecting our employees seriously. Making the COVID-19 emergency regulations permanent will only make a difficult situation worse for employers and employees. I remain concerned about the impact many of the provisions of the emergency regulations are having on my business and encourage the Board to not*	9/24/20 2:41 pm CommentID:85838
Canon Virginia	DOLI COVID-19 Temporary Regulations change to Permantent	Provide safe harbor for employers who follow CDC and OSHA guidance Eliminate reporting requirements to Health Dept and Virginia OSHAfor Employers given testing facilities report this anyway Eliminate requirement for business considerations i.e. supply chain or cross training Strike vague language regarding the need to provide flexible sick leave	9/24/20 2:43 pm CommentID:85839
Jeffrey N. Lighthiser, President/CEO, Draper Aden Associates	Strongly Oppose	As an employer in the design industry that serves heavy construction, I oppose adopting a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220. • Construction is an essential business performing critical work in the Commonwealth since the onset of the pandemic. The health and safety of all employees is the top priority of our company. A culture of safety is our primary operating principle. We implemented the CDC and OSHA COVID-19 guidelines for construction as soon as they were published and are in compliance with the CARES Act mandates. • The science of COVID-19 is continuously being updated. The CDC and OSHA guidelines are frequently updated to reflect the science. The Emergency Temporary Standard, proposed in April 2020, is outdated and inflexible. If the standard were to become permanent, it would continue to require businesses to comply with outdated regulations. What was thought to be true about the transmission of SARS-CoV-2 in April, is no longer accurate. As an example, the disinfection standard requirements are based on practices that now may not provide meaningful reduction in transmission. An hour or more a day is spent disinfecting tools and equipment. It is time consuming and burdensome to continue with practices no longer scientifically relevant. • The costs of the required training (16VAC25-220-70 and 16VAC25-220-80) average a total of 2 hours per employee. Developing the Infectious Disease Preparedness and Response Plan (16VAC25-220-70), not including implementation, requires approximately 40 hours by a supervisory level employee. These hours are in addition to and impede other job functions. • Construction tasks fall into the "Low" and "Medium" categories as defined in 16VAC25-220-30. The standards use "Grave" danger to regulate ALL businesses in Virginia, yet the great majority of deaths in Virginia (79% or 2269 as of September 23rd Virginia Department of Health Dashboard) were patients over the age of 70. As it is unlikely many over the age of 70 were actively still in the workplace, that leaves 613 deaths over 6 months or a death rate in Virginia of.007% based on a population of 8,536,000 (2019 US Census Bureau). Further, 54% (1556) of deaths were patients in long-term care and correctional facilities. As not all of those deaths fall into the over 70 category, that means less than 613 deaths were potentially working Virginians. Where they were exposed to the virus is not provided in the data. The definition of "Grave" danger for "low" and "medium" risk category needs to be revisited. These categories should be removed from the Temporary Standard and never be part of any Permanent Standard. I am opposed to any amendment to include other flus, viruses, colds, or other communicable diseases in any permanent standard. There is no one-size fits all plan to combat a wide variety of infectious illnesses. The Emergency Standards are burdensome, will become obsolete, difficult to enforce, costly in time and money, and lack flexibility to adapt to current science and innovation. I am STRONGLY OPPOSED to the adoption of these as a Permanent Standard for what is a temporary health situation. I remain committed to the health and safety of my employees and the employees of our partners in the construction industry. Thank you for the opportunity to publicly comment.	9/24/20 2:55 pm CommentID:85846
Anonymous	STRONGLY opposed to making the regulation permanent	Not needed as we move forward. Stop the micromanaging.	9/24/20 2:59 pm CommentID:85847
BA Ciccolella	Strongly Support these Worker Protections	Please make sure that our workers are fully protected from exposure to this virus while they are at work. There is no reason an employer should be using workers without protecting them and their families from this potentially deadly disease. This pandemic is NOT over, no matter what political persons would like to think, and it will not be over until everyone takes responsible steps to protect their neighbors, and that includes our laborers, and anyone who works in our state.	9/24/20 2:59 pm CommentID:85848
Anonymous	Oppose Permanent Standard	As a member of the Construction Industry I oppose this directive becoming a Permanent Standard.	9/24/20 3:02 pm CommentID:85849
Michael Miller	Stongly Oppose	I am a business owner and strongly oppose making this standard permanent. I want to keep my employees safe because I care about their well-being, but imposing a on size fits all regulation while the what we learn about the virus is continually evolving is premature.	9/24/20 3:08 pm CommentID:85852

		The fact that 49 other states have not taken this action should be considered as well.	
Mike Van Sickel, Branscome Inc.	STRONGLY OPPOSED Permanent Standard for Infectious Disease Prevention	Members of the Safety and Health Code Board, As an employer in the heavy construction industry, I oppose adopting a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220. I am opposed to any amendment to include other flus, viruses, colds, or other communicable diseases in any permanent standard. There is no one-size fits all plan to combat a wide variety of infectious illnesses. The Emergency Standards are burdensome, obsolete, difficult to enforce, costly in time and money, and lack flexibility to adapt to current science and innovation. I am **STRONGLY OPPOSED** to the adoption of these as a Permanent Standard for what is a temporary health situation. Thank you for the opportunity to publicly comment. Mike Van Sickel Vice President Branscome Inc.	9/24/20 3:08 pm CommentID:85854
Jason Yarashes, Legal Aid Justice Center	Adopt the Proposed Permanent Standard for Infectious Disease Prevention for COVID-19	We commend the Department of Labor and Industries (DOLI) staff and the Safety and Health Codes Board (Board) for developing and approving emergency temporary standards in the wake of COVID-19. In particular, we thank DOLI and the Board for prioritizing physical distancing, which is one of the best ways to prevent person to person spread. We also strongly support requiring employers to provide greater transparency and communication when someone in the workplace has been infected with COVID-19, while still complying with the Americans with Disabilities Act and other applicable Virginia laws and regulations. Finally, we appreciate both the strong sanitation requirements applying to workplaces and the standards that ensure access to basic sanitation needs for workers, as well as the anti-retaliation provisions. The proposed Permanent Standard for Infectious Disease Prevention for COVID-19 would maintain important protections for working people and communities in Virginia and provide continuity with the emergency temporary standards, thereby reducing the challenges employers and employees would face from changing standards. Thank you for considering these comments from the Legal Aid Justice Center. We urge you to do what is right to protect Virginia's workers and adopt the proposed Permanent Standard.	9/24/20 3:13 pm CommentID:85856
Greg A Garland	Strongly Support	I urge the COVID-19 ETS workplace legislation become permanent for the safety of all whose health in threatened by a compromised work environment. Thank you for your just and compassionate vote.	9/24/20 3:21 pm CommentID:85858
Anonymous	Strongly oppose becoming permanent.	We had already developed the Safety protocols in March 2020 to meet the individual health and safety of employees for COVID 19. We could not wait until July for the Administration to force us and then we were force to revise and comply with their program thus creating additional hardship and not adding anything that hadn't been addressed. To mandate permanently is just burdensome and unproductive. WE STRONGLY DISAGREE WITH THIS BECOMING PERMANENT! You want to help small business provide guidance, support, less regulation, when we needed it in March not 5 months later.	9/24/20 3:22 pm CommentID:85859
Anonymous	Strongly support	The Commonwealth of Virginia needs a **permanent** standard for workplace safety and health - regardless of hopes that Covid 19 will be eradicated soon. Why limit the importance of workers' health and safety to a six-month period; or connect it to a specific health concern?	9/24/20 3:22 pm CommentID:85860
Virginia Poultry Growers Cooperative (VPGC)	Permanent Standard Regulation SARS-CoV-2 Virus That Causes COVID-19	VPGC represents nearly 200 family growers and processes approximately 300M pounds of turkey per year with nearly 600 employees. I am writing to object to the plan to make the recently Emergency Temporary Standard (ETS) regulation permanent. VPGC is a good example of an organization that implemented measures to protect employees long before state government regulations were enacted. Our plan to combat Covid-19 has evolved as recommendations have changed from both the Virginia Department of Health (VDH) and Centers for Disease Control (CDC). We have shown transparency with VDH, legislators and our employees long before the ETS was adopted in an effort to provide assurances that we were working to offer protections. VPGC has also worked with other companies to help them adopt some of the same procedures that have proven to mitigate Covid-19 in our workforce. While we had minimal cases in the processing plant at the beginning of the pandemic, we have had no additional cases in the processing plant in the last 3 months. The ETS rule was enacted outside the normal bounds of regulatory implementation with very little input from the stakeholders. Questions about the ETS regulation have gone unanswered and industry has been left to interpret broad and ambiguous provisions. There is ample guidance from VDH, CDC and OSHA to mitigate the spread of Covid-19 and this has been proven by the rapid reduction of cases in meat processing plants across the Commonwealth. In fact, you could make the argument that cases have largely disappeared completely. I urge the Department of Labor and Industry not to follow the same flawed ETS process with a permanent implementation of rules that have proven not necessary. I was alarmed at how the ETS was enacted with minimal input from stakeholders and I am equally concerned that regulation of this magnitude is being considered on a permanent basis using the same unsound process. Sincerely, John King, President	9/24/20 3:31 pm CommentID:85863
Sam Anderson	Strongly Opposed	This is something the people should decide. Leave it up to us, either on the day to day life or allow every permanent Virginian resident to vote this into law for a set time line. This is not something the state legislature should decide. This will harm businesses, people will be unable to understand each other and the disruption that I have witnessed at stores will continue until this over.	9/24/20 3:37 pm CommentID:85867
Anonymous	MANDATING PERMANENT RESTRICTIONS	I am against the permanent use of restrictions for COVID 19. No other country has done this and the virus is being eradicated. Our numbers are the lowest they have ever been and research is continuing to show that our bodies fight this virus the same way they fight all other viruses. If we were not aware of the novelty of this one, our bodies would be reacting the same way. There are countless other viruses that do not require for us to be restricted, out of work, forced to wear masks, etc. Those same viruses are deadly to the elderly and those with co-morbidities. Also, the CDC published data stating that the masks were of no use to our countrymen in the West fighting wild fires. The smoke particles are larger than that of SARS2. So, if the mask doesn't work for those large particles, it is not effective for the miniscule ones of COVID 19, either. Thank you for your hard work. Let's do what is best for our state and country.	9/24/20 3:41 pm CommentID:85868
ROBERT C	STRONGLY OPPOSE	OPPOSE DOLI,	9/24/20 3:54 pm CommentID:85871
Freeman	Save Lives	Yes, save lives, and where the mask, what is the problem? Yes, I agree with the policy. Thank you!	9/24/20 3:57 pm CommentID:85873
Carmen Silvious	Oppose Making DOLI Regulation Permanent	I strongly oppose these additional burdens on employers during this challenging economic time. And while the business community supports clear and consistent workplace health protection protocols; we remain concerned about the impact many of the provisions of the ETS are having on businesses and encourage the Board to not make them permanent. Below are some of the areas of the ETS that need attention if a permanent standard is pursued: 1. Amend § 10G to the agency's original language providing "safe harbor" for employers who follow CDC and OSHA guidance. 2. Strike the vague language mandating "flexible" sick leave policies. It is unconstitutionally vague and it exceeds the agency's statutory authority. 3. Strike requirements of owners of buildings and facilities to report COVID cases to employer tenants. It exceeds the intent of the Occupational Safety and Health (OSH) Act to require employers to provide employment and a place of employment that is free of recognized hazards. 4. Remove hand sanitizer as a requirement. Everywhere else, it is a substitute or a best practice. 5. Change language to apply hazard levels to job tasks instead of employers or industries. 6. Change the time-based return-to-work rule requiring three days of being symptom-free (following the ten-day period since the onset of symptoms) to one, consistent with the new CDC standard. 7. Eliminate the requirement to report positive cases to the Department of Health. Health care providers are already doing this. 8. Eliminate the redundant language regarding employee refusal to work because they feel unsafe. The criteria for protected work refusals are already in the Administrative Regulatory Manual. 9. Define "minimal contact." 10. Eliminate requirements to include business considerations (e.g., how to handle supply chain issues, cross-training to prepare for staff shortages) that have nothing to do with employee safety. 11. Ensure this regulation sunsets with the Governor's State of Emergency the way the ETS does. The Board should also consider the burden that making this standard permanent and adding additional provisions will have on businesses that continue to struggle with the economic consequences of this pandemic.	9/24/20 4:06 pm CommentID:85874
James Kline	STRONGLY OPPOSE THIS ATTACK ON SMALL PRACTICES	This is an unfair requirement, especially if made permanent. Small Businesses have largely been ignored by the State and Federal Government supply system. This law would add excessive reporting and paperwork. We do not have large administrative departments and frequently the development, reporting and, documentation is left up to the owner/Doctor to try and develop and maintain in addition to seeing patients. While large Hospitals have been supported, given, and allowed to hoard the majority of PPE the smaller private practices continue to suffer and be ignored by State and Federal Government. Large corporate practices have dozens of admin to comply with the excessive reporting and documentation requirements of this law while small practices do not. The State of Virginia does not require dental insurance companies to pay fair reimbursement between large practices and small, does not supply adequate PPE to small practices, does not require suppliers to fairly distribute PPE, and because we cannot charge patients for PPE we are forced to absorb the costs of PPE we are forced to pay outside of normal channels. Do not add more onerous regulations and requirements for small practices to suffer with and be prosecuted out of existence for. We have always been safe, are trying to be as safe as possible and will continue to do so - but the supply system, Government and Private, is slanted to large entities and this law would require small practices to go bankrupt or close or stop seeing patients to allow enough time to "Develop" policies.	9/24/20 4:06 pm CommentID:85875
Wenda Singer	Emergency Temporary Standard/Emergency Regulation, Infectious Diseases Prevention, SARS-COV-2 Virus	The purpose of this comment is to request that the Emergency Temporary Standard (see subject) be made a permanent regulation. Reasons follow. COVID-19 will not have disappeared at the end of the six month emergency period. The regulations contain protections all employees should be able to expect where they work. The guidelines are clearly written. Following the regulations actually helps employers by providing a healthy workplace so employees don't miss work or work to work sick and make others sick, which reduces productivity. Thank you for your consideration. Wenda Singer, N. Chesterfield, VA 23235	9/24/20 4:11 pm CommentID:85879
MELANIE M. KOERPERICH	STRONGLY opposed to the Department of Labor and Industry's COVID-19 Regulations becoming Permanent	STRONGLY opposed to the Department of Labor and Industry's COVID-19 Regulations becoming Permanent	9/24/20 4:12 pm CommentID:85880
Mimi Coles	ELIMINATE the ETS!!	Eliminate the ETS.	9/24/20 4:12 pm CommentID:85881
Wenda Singer	Emergency Temporary Standard/Emergency Regulation, Infectious Diseases Prevention, SARS-COV-2 Virus	The purpose of this comment is to request that the Emergency Temporary Standard (see comment subject above) be made a permanent regulation. Reasons follow. The COVID-19 pandemic will not have disappeared at the end of six months. The regulations provide for safety measurers that all employees should be able to expect wherever they work. The regulations provide clear guidance to employers. Following the regulations actually helps employers by providing a healthy workplace, one where employees don't miss work because they've gotten sick on the job or come to work and infect others, thus reducing overall productivity. Thank you for your consideration. Wenda Singer, N. Chesterfield, VA 23235	9/24/20 4:17 pm CommentID:85884
Nansemond Pre-Cast	Strongly Oppose	Members of the Safety and Health Code Board,	9/24/20 4:20 pm

Concrete Co., Inc.		I am an employer in the precast concrete industry. We produce essential products to support the infrastructure needs of the Commonwealth, I oppose adopting a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220. • As a critical part of the Construction Industry we are an essential business that has been performing critical work in the Commonwealth since the onset of the pandemic. The health and safety of all employees is the top priority of our company. A culture of safety is our primary operating principle. We implemented the CDC and OSHA COVID-19 guidelines for construction as soon as they were published and are in compliance with the CARES Act mandates. • We worked for four and a half months under CDC and OSHA guidelines before the Emergency Temporary Standard became effective, July 27,2020. During those months we implemented critical safety measures to ensure the health of our employees. The federal guidelines for construction were working and additional regulations were duplicative and unnecessary. • The science of COVID-19 is continuously being updated. The CDC and OSHA guidelines are frequently updated to reflect the science. The Emergency Temporary Standard, proposed in April 2020, is outdated and inflexible. If the standard were to become permanent, it would continue to require businesses to comply with outdated regulations. What was thought to be true about the transmission of SARS-CoV-2 in April, is no longer accurate. As an example, the disinfection standard requirements are based on practices that now may not provide meaningful reduction in transmission. An hour or more a day is spent disinfecting tools and equipment. It is time consuming and burdensome to continue with practices no longer scientifically relevant. • The costs of the required training (16VAC25-220-70 and 16VAC25-220-80) average a total of 2 hours per employee. Developing the Infectious Disease Preparedness and Response Plan (16VAC25-220-70), not including implementation, requires approximately 40 hours by a supervisory level employee. These hours are in addition to and impede other job functions. • Non-medically trained individuals now are required to perform health screenings. Screening each employee on average, takes thirty minutes at the start of a shift. Individuals must take accountability for their own health and not report to work if they are exhibiting the symptoms of COVID-19. After six months, Virginians should be very well aware of those symptoms. Our company, as mandated by the CARES Act, provides the Paid Sick Leave necessary for employees to stay home if they are ill. • Under the umbrella of Construction, our job tasks fall into the "Low" and "Medium" categories as defined in 16VAC25-220-30. The standards use "Grave" danger to regulate **ALL** businesses in Virginia, yet the great majority of deaths in Virginia (79% or 2269 as of September 23rd Virginia Department of Health Dashboard) were patients over the age of 70. As it is unlikely many over the age of 70 were actively still in the workplace, that leaves 613 deaths over 6 months or a death rate in Virginia of.007% based on a population of 8,536,000 (2019 US Census Bureau). Further, 54% (1556) of deaths were patients in long-term care and correctional facilities. As not all of those deaths fall into the over 70 category, that means less than 613 deaths were ***potentially*** working Virginians. Where they were exposed to the virus is not provided in the data. The definition of "Grave" danger for "low" and "medium" risk category needs to be revisited. These categories should be removed from the Temporary Standard and never be part of any Permanent Standard. I am opposed to any amendment to include other flus, viruses, colds, or other communicable diseases in any permanent standard. There is no one-size fits all plan to combat a wide variety of infectious illnesses. The Emergency Standards are burdensome, obsolete, difficult to enforce, costly in time and money, and lack flexibility to adapt to current science and innovation. I am STRONGLY OPPOSED to the adoption of these as a Permanent Standard for what is a temporary health situation. I remain committed to the health and safety of my employees and thank you for the opportunity to publicly comment. Brandon McConnell CFO/COO	CommentID:85886
Richard Staubs	Oppose making temporary COVID regulations permanent	I am a Virginia small business owner who is opposed to making the temporary COVID regulations permanent. We are all aware of the risks and work diligently to mitigate them for our employees and our customers. The state does not need to tell me to care, or to be careful. Our employees and customers are the reason for our existence and we are in the best position to determine the actions necessary to achieve safety in our workplace.	9/24/20 4:25 pm CommentID:85888
Kim George, Cook's Exxon	Strongly Oppose	I strongly oppose adopting permanent rules for a temporary problem. We remain committed to protect our employees and customers. Making these rules permanent causes a huge burden on employers.	9/24/20 4:26 pm CommentID:85889
Donna Worrell	Oppose permanence of COVID-19 Workplace Safety Emergency Standard	I am a small business owner in Virginia who opposes making the COVID-19 Workplace Safety Emergency Standard permanent. Six months into the pandemic, I have learned to adapt to this unprecedented time by implementing safety protocols from a number of federal and state entities to ensure physical distancing and extensive sanitization. I want to keep my employees and customers safe because I care about their welfare. Imposing "one size fits all" COVID-19 regulations on all employers is unreasonable especially when guidance is continually changing as we learn more about the virus. The Board needs to take the time to see what challenges employers are facing implementing the emergency regulations before taking any further action. My company takes its responsibility for protecting its employees seriously. Making the COVID-19 emergency regulations permanent will only make a difficult situation worse for employers and employees. I remain concerned about the impact many of the provisions of the emergency regulations are having on my business and encourage the Board to not make them permanent	9/24/20 4:27 pm CommentID:85890
Michael	Regulating us out of business !!	I already take the safety of my clients and my employees seriously enough. We have learned a lot over the past six months in how to protect all involved. With that said, the COVID-19 Workplace Emergency Regulations cannot be permanent, at least do not make that sort of decision. Give this pandemic some time to perhaps resolve itself..... you are killing us financially with all the Federal, and State regulations..... and another thing. When a hurricane comes to town, NOBODY is allowed to price gouge.... but that has been standard practice it seems for PPE products. Is anybody going to help with the MASSIVE price gouging?	9/24/20 4:30 pm CommentID:85891
Oil Equipment Sales and Service Co., Inc.	Permanent Covid-19 Standards	If the covid 19 mandates are made permanent, without a one on one review of each small business and its situation, you will put hundreds of small businesses out of business. The people that run the state of Virginia and most of the politicians that run this country are so far out of touch with what is important to the small business man that they think because they see ONE business that something will work in they think it will work for all small businesses. THIS IS NOT AND WILL NEVER BE TRUE. Come visit my small business and see.	9/24/20 4:34 pm CommentID:85893
Tina Miller	Do not hurt businesses/employers further - PLEASE	Businesses struggle as it is to stay in business! Please do not hurt them further with more regulations. We care deeply for our employees, but continuing to make regulations that we need to administer makes it harder to survive, and if we go out of business that hurts our employees by losing their jobs, hurts our communities by lack of tax revenue, hurts our streets by having vacancies. Please do not vote to hurt businesses further by making Covid regulations permanent. These were intended to be temporary and please keep them as such - it seems like a bait and switch to make them permanent!	9/24/20 4:36 pm CommentID:85895
Seal Specialists LP	Do not hurt small business	I am a small business owner in Virginia who opposes making the COVID-19 Workplace Safety Emergency Standard permanent. Six months into the pandemic, I have learned to adapt to this unprecedented time by implementing safety protocols from a number of federal and state entities to ensure physical distancing and extensive sanitization. I want to keep my employees and customers safe because I care about their welfare. Now is not the time to make the emergency temporary standard permanent when it's likely this pandemic will be temporary. Imposing "one size fits all" COVID-19 regulations on all employers is unreasonable especially when guidance is continually changing as we learn more about the virus. The Board needs to take the time to see what challenges employers are facing implementing the emergency regulations before taking any further action. My company takes its responsibility for protecting its employees seriously. Making the COVID-19 emergency regulations permanent will only make a difficult situation worse for employers and employees. I remain concerned about the impact many of the provisions of the emergency regulations are having on my business and encourage the Board to not make them permanent.	9/24/20 4:37 pm CommentID:85897
Michael S	Enough already	Enough already. There is enough "red tape" for small businesses. Please let us get back to working and living. Small businesses provide quality and customer service that large companies can't or won't. We are doing right by our employees and customers. Trust us to continue to do the right thing.	9/24/20 4:38 pm CommentID:85898
Oil Equipment Sales and Service Co., Inc.	Permanent Covid-19 Standards STRONGLY OPPOSE	STRONGLY OPPOSE	9/24/20 4:38 pm CommentID:85899
David W Lawall	Strong Disagree with Imposing Additional COVID Regulations	I am a small business owner in Virginia who opposes making the COVID-19 Workplace Safety Emergency Standard permanent. Six months into the pandemic, I have learned to adapt to this unprecedented time by implementing safety protocols from a number of federal and state entities to ensure physical distancing and extensive sanitization. I want to keep my employees and customers safe because I care about their welfare. Now is not the time to make the emergency temporary standard permanent when it's likely this pandemic will be temporary. Imposing "one size fits all" COVID-19 regulations on all employers is unreasonable especially when guidance is continually changing as we learn more about the virus. The Board needs to take the time to see what challenges employers are facing implementing the emergency regulations before taking any further action. My company takes its responsibility for protecting its employees seriously. Making the COVID-19 emergency regulations permanent will only make a difficult situation worse for employers and employees. I remain concerned about the impact many of the provisions of the emergency regulations are having on my business and encourage the Board to not make them permanent.	9/24/20 4:38 pm CommentID:85900
Anonymous	Do not make COVID 19 regulations permanent	I am a small business owner in Virginia who opposes making the COVID-19 Workplace Safety Emergency Standard permanent. Six months into the pandemic, I have learned to adapt to this unprecedented time by implementing safety protocols from a number of federal and state entities to ensure physical distancing and extensive sanitization. I want to keep my employees and customers safe because I care about their welfare. Now is not the time to make the emergency temporary standard permanent when it's likely this pandemic will be temporary. Imposing "one size fits all" COVID-19 regulations on all employers is unreasonable especially when guidance is continually changing as we learn more about the virus. The Board needs to take the time to see what challenges employers are facing implementing the emergency regulations before taking any further action. My company takes its responsibility for protecting its employees seriously. Making the COVID-19 emergency regulations permanent will only make a difficult situation worse for employers and employees. I remain concerned about the impact many of the provisions of the emergency regulations are having on my business and encourage the Board to not make them permanent.	9/24/20 4:41 pm CommentID:85901
Greenwood Stores	Building Owners	**Can everyone say Discrimination? Tenant business will be greatly impacted negatively if a tenant has to disclose to a landlord a positive case & then that has to be passed on to other tenants? Common areas? Those are mostly outside and comprised of concrete, asphalt, & shrubbery. What is to be sanitized? This is totally ludicrous, unfounded, and a waste of time, energy & money. Have the people who wrote this proposal ever visited a landlord owned location? Should this hold true for apartment buildings? Talk about having tenants targeted for threats, bad blood, & other negative actions!! This proposal puts our citizens, businesses, & way of life (including our civil liberties & freedom) at risk. STOP the over-reaching. Church and state was separated for a reason. State and privately-owned need to stay separate. It's hard enough to stay in business with the over-taxation that has to be passed on to consumers. Now you want increased expenses to be passed on in a time of business turn-down? Leave our freedom alone!!! Trust that we are a Commonwealth full of decent, intelligent, and responsible citizens and know how to do the right thing without it being mandated! OPPOSED!!!!**	9/24/20 4:42 pm CommentID:85902
Robert H,	Opposed to these ﷽regulations﷽	I am a business owner, and I am highly opposed to these so called regulations, that have been put in place over 6 months ago. These rules have done very little to prevent any spread of the virus. Especially creating a high load and demand on small business, which have little to no effect on the spread of the virus. When there would have been more effective rules put in place on larger businesses that have high traffic and interaction with the public! Small businesses are close groups that do not interact in large quantities with a vast number of the general public. Where as the large businesses that have thousands of public interactions, sometimes per hour, are allowed to have less strict rules. This does nothing to hinder the spread of this virus. further, it is because of these types of regulations that just about every industry now is suffering from an inability to keep up with production! The restrictions caused several businesses to lay off people because they could not meet the demands, and to close their factories. They did this as a temporary measure and many as a permanent closure because they would not recover from it! With these shut downs the supply chain has been backlogged and strained, and it will continue to get worse. Many businesses are just deciding to ignore them, so they can just remain operational or even meet critical demand. If you want to stop the spread of this virus, it is not the businesses you need to turn to for restrictions, but the general public on education! They don't understand how it spreads, how to properly sanitize, how to even care for themselves. Instead they require more rules to be put in place to try and stop a spread that they need to be educated on.	9/24/20 4:45 pm CommentID:85905

		Its sad when I hear people talking in public that they think the virus spreads because of rain, or because they received a box in the mail, or drinking certain brands of liquid or even food will give it to them.	
Michael Miles, Construction	Construction Equipment Foreman	I am strongly against the protocols that are present today from becoming permanent. Not only are they obtrusive in daily work and personal interactions with others, but the use of a mask as a preventer of disease transmittal is still in question. The CDC printed opinions in 2017 the masks do not help. The WHO has vacillated between both options. My second and personal reason is that those who are hard of hearing need to see peoples mouth's to work out what people are saying. The wearing of masks defeats this ability and has now isolated a portion of our society from being able to communicate while out and about with others they come in contact with in our daily activities. I am a part of the hearing impaired society and find communication in food and retail stores very difficult and have on occasions had to have my children interpret for me. I am not a scientist or scholar, but I do know that we are social animals, we need people and this type of egregious draconian restriction takes away out independence and our humanity. Whether it is or not, it sure seems to be a measure being driven by todays political climate. Lets have rational thought and discourse from all parties to come to a workable way to live in our social world and not make a lost generation be the next catch phrase to identify an age group of our community.	9/24/20 4:47 pm CommentID:85906
Marlene Dakita	Strongly support	Virginia's Emergency Temporary Standard (ETS) for workplace safety is helping people now during COVID-19, but COVID is going to stick around for quite some time yet. I support a strong PERMANENT standard so that workers who are working can continue to work safely. This in turn will get Virginia's economy moving again. Thank you.	9/24/20 4:50 pm CommentID:85907
S. Phillips	STRONGLY OPPOSE MAKING COVID-19 REGULATIONS PERMANENT	Individuals are free to implement their own personal regulations, should they choose. They can choose to frequent a business or not. They can choose to wear PPE or not. Forcing additional regulations on business owners, which leave exceptionally broad room for litigious action against the business is far more harmful. Last time I checked, this was the U.S. In the U.S., you are free to make your own decisions and you are responsible for your actions. Studies and research are showing the impacts from COVID-19 are being blown-out of proportion. It seems the studies are supported by the fact there is no marked increase of covid amdist all the "peaceful" protesters in the COVID "hot spot" areas like NYC, Seattle, Portland, and DC. The measure to make COVID-19 regulations permanent is STRONGLY OPPOSED! If instituted, it seems the U.S. Government supports it's citizens rights to gather in large groups and peacfully protest.	9/24/20 4:51 pm CommentID:85908
Mills Restoration	No permanent covid regs	We do not need permanent solutions written into law at this point. Everyday the information on what is effective and what is not is changing. Any written laws at this point would be beyond premature.	9/24/20 4:52 pm CommentID:85909
Anonymous	Consider these amendments for the permanent standard	Repeal 16 VAC 25-220-40.A.8.e. It is unnecessarily burdensome on employers and DOLI. If you cannot repeal then amend it with the addition of the following sentence. "This reporting requirement only applies where the definition of work-relatedness under 1904.5 has been met." Furthermore, this reporting should not be required of employers where all employees/tasks are in the lower risk category. Rename 16 VAC 25-220 and amend 16 VAC 25-220-10 so it covers more than one highly infectious airborne pathogen. The permanent standard needs to cover such pathogens as M. tb, Legionella and H1N1. These are all airborne infectious pathogens for which OSHA has engaged in enforcement actions in the past. Either that or the permanent standard should cover ". . . pandemics declared by the WHO or its successor organization." In 2003, a novel coronavirus that caused Severe Acute Respiratory Syndrome (SARS) was identified. Today we refer to that once 'novel' coronavirus as SARS-CoV-1 and its existence/prevalence became overshadowed by norovirus outbreaks, MERS outbreaks, the 2009 flu pandemic and now the COVID-19 pandemic. By this time next year, there may be a SARS-CoV-3 that causes an illness worse than COVID-19. This pathogen-specific standard will not apply to future pandemics or outbreaks caused by other pathogens. Keep in mind that outbreaks of the flu caused by the same H1N1 virus that triggered the 2009 pandemic still occur today. The permanent standard needs to anticipate the availability of a vaccine. There may need to be a requirement that employers offer the vaccine to high and very high risk employees, similar to the HBV vaccine provision under the Bloodborne Pathogen standard. If 70% of the employees in a particular location have immunity (either through vaccination or after recovering from the illness) can that workplace dispense with the wearing of masks or other requirements within the standard? 70% is a conservative estimate of the herd immunity threshold (HIT) for COVID-19. If the standard is amended to cover other pathogens then instead of a number, the requirement should refer to the specific HIT for a disease. The standard would also need to include a definition for HIT. 16 VAC 25-220-60.B.1.g. needs to be renumbered as 16 VAC 25-220-60.A.2. Physical barriers are an engineering control not an administrative/work practice control. Face coverings are also a type of physical barrier and not an administrative/work practice control. Depending on the material, face coverings have varying percentages of permeability. Regardless, even a partial barrier is still an engineering control that helps to contain the amount of contaminant that is released into the workplace from a presumptive source. In addition, there are some grammatical errors in 16 VAC 25-220-60.B.1. In lieu of the above, allow 16 VAC 25-220 to expire. COVID-19 is not an occupational disease like Asbestosis, Byssinosis, Pneumosiderosis and CWP, just to name a few. SARS-CoV-2 is not an **occupational** health hazard. It is a **public** health hazard that has reached pandemic level. Everyone has potential exposure regardless of his or her occupation. The OSHA/VOSH standards need to be reserved for hazards that exist or are created by the work activity/location/process. The public, not the workplace is the source of this hazard. Most employees are just as likely if not more likely to be exposed to this pathogen when not at work. Even those that are teleworking, because it is infeasible to enforce any provision of this standard inside someone's place of residence. It is infeasible to control others that reside with teleworkers. Even health care workers who may have to take care of an ailing loved one at home, where they will not be required to wear PPE as they would at work, are more at risk outside of work.	9/24/20 4:52 pm CommentID:85910
Anonymous	STRONGLY OPPOSE MAKING COVID-19 REGULATIONS PERMANENT	Individuals are free to implement their own personal regulations, should they choose. They can choose to frequent a business or not. They can choose to wear PPE or not. Forcing additional regulations on business owners, which leave exceptionally broad room for litigious action against the business is far more harmful. Last time I checked, this was the U.S. In the U.S., you are free to make your own decisions and you are responsible for your actions. Studies and research are showing the impacts from COVID-19 are being blown-out of proportion. It seems the studies are supported by the fact there is no marked increase of covid amdist all the "peaceful" protesters in the COVID "hot spot" areas like NYC, Seattle, Portland, and DC. The measure to make COVID-19 regulations permanent is STRONGLY OPPOSED! If instituted, it seems the U.S. Government supports it's citizens rights to gather in large groups and peacfully protest.	9/24/20 4:53 pm CommentID:85912
Tamara	BlueGreen Alliance	For anyone that is reading these comments, I don't believe any non-Virginia resident or business should be commenting on matters that are being considered by our Commonwealth that impacts our citizens! Throw out comments by Washington lobbyists, organizations, and disruptors. They should have no consideration given to their thoughts and opinions when it comes to Virginia law, mandates, and bills. Shame on them for inserting themselves in this process that should be limited to those of us who have to live with the decisions made by our STATE GOVERNMENT! I OPPOSE this ETS being made permanent!!!	9/24/20 4:56 pm CommentID:85914
Dian T	Strongly oppose	Until we figure out whether we can develop a vaccine, no permanent mandate should be made for wearing masks.	9/24/20 5:00 pm CommentID:85916
R W	For those that support this crazy idea, please read	The government is running and ruining our lives. They always want more. More rules and regulations, and more money. Anything and everything that can be taxed; they will tax it. Having us provide PPE indefinately is just another way of taxing us. We have to pass the cost on to your customers or eventually close. Small business owners are more responsible than larger businesses because they know the names of their employees. We are already doing everything required. Trust us to continue to do what is right. Doing it right, is what small businesses do.	9/24/20 5:01 pm CommentID:85917
Anonymous	Strongly opposed	The burden that these mandates have put on businesses and families is worse than the virus. With tests that create false positives and counting all deaths "with Covid we are being asked to follow guidelines based on false data. These mandates create situations where businesses are closed permanently and families loose their means to pay their Bill's and keep a roof over their head. There's a reason that emergency orders are supposed to be temporary. We were told that we would close down for two weeks to slow the spread and here we are months later. Please vote NO to save Virginia.	9/24/20 5:08 pm CommentID:85919
Barry Elswick	Strongly opposed!	Strongly opposed!	9/24/20 5:09 pm CommentID:85920
Anonymous	No to permanent restrictions	The virus has been extremely hard on micro business. For all the mandatory steps would just push us over the edge and make us go out of business. That would mean hardship on employees and also mean the state would not receive any tax income from us. The micro businesses did not receive help that much as it was just based on employees, which we have less room to absorb the loss like a larger company would.	9/24/20 5:12 pm CommentID:85921
Garnette Owens	Strongly Oppose!	Strongly Oppose!	9/24/20 5:19 pm CommentID:85922
Myra Hopcroft	Strongly Oppose	This is not a one size fits all pandemic and should not be treated as such.	9/24/20 5:25 pm CommentID:85924
Kevin Kramer/IUE-CWA Local 82167	Pandemic standard	I believe this pandemic standard is a good idea. It gives guidance on how to start dealing with a situation, even before the medical community knows how to deal with it. We WILL have another pandemic, the only question is when. The world of viruses, diseases and the like is ever changing, and we need tools to be able to try to keep up. That is exactly what this is, a tool. It doesn't solve the issue for every possible situation, but it very well could save lives. Without a permanent standard, we have no guidance, and every response, in every work place, will differ based on management's best guess. We need more than someone's best guess. We need this standard to be permanent. Covid-19 has shown exactly how vulnerable we are as a society. Without guidance on how to deal with issues, you have no knowledge of, it costs lives.	9/24/20 5:31 pm CommentID:85925
Kyle Shreve, Virginia Agribusiness Council	Re: Opposition to Proposed Permanent Standard for COVID-19 Mitigation [16VAC25-220]	Mr. Withrow: I am writing you today on behalf of the Virginia Agribusiness Council to provide comments regarding the proposed Permanent Standard for COVID-19 mitigation. The Council is a member-based trade association representing the agriculture and forestry industries, contributing $91 billion of economic impact in the Commonwealth. We continue to oppose the standard as an unnecessary, static, and one-size fits all policy that does not allow the different industry sectors to adapt to the latest science and guidelines for mitigation. However, should the Board decide to make the standard permanent, the Council urges the Board to retain the provision revoking the standard if the Governor removes the State of Emergency. If a vaccine is approved and distributed in the next 12 months, large sections of the standard will be unnecessary and outdated. A permanent standard responding to a temporary threat is nonsensical, and therefore, should sunset when the Governor's State of Emergency expires. The Council appreciates the inclusion of language allowing compliance with the standard by following the latest CDC publication. The industry has already invested millions of dollars and implemented unprecedented safety measures to protect their workforce and maintain the food supply. The different sectors of our industry have followed guidelines from the CDC, U.S. Department of Labor, and the Virginia Department of Agriculture and Consumer Services (VDACS). Furthermore, public-facing businesses such as farmers markets, farm wineries, and farm breweries and others, have followed the Governor's Phase III Guidelines. Each individual farm, agribusiness, sawmill, papermill, etc. provides multiple services, could process products differently, and be a diversified operation with different types of agricultural production. The Permanent Regulation is yet another layer from another agency that leads to confusion and endangers the very workers the standard seeks to protect. The clause allowing compliance by following a CDC guidance document should be continued and clarified to reduce confusion. We renew our initial finding that the definition of "technical feasibility" holds the industry to a standard requiring "technical know-how" and a level of compliance that "lags significantly behind that of their industry". Many of the requirements contained in the Regulation are qualified by the terms "to the extent feasible". This standard will likely lead to subjective and inconsistent enforcement depending on the employee making the complaint and the VOSH investigator. Additionally, each individual industry is diverse, especially that of agriculture and forestry. We appreciate the Department's willingness to provide educational materials surrounding the ETS. However, we are concerned that there are requirements contained in the ETS that businesses have not been given a proper mechanism with which to comply. For example, the notification requirements allow a business to notify the Virginia Department of Health upon confirmation of a positive case. There is currently no standard reporting form or mechanism to report such a case to the Virginia Department of Health that we are aware. In addition, the provisions surrounding HVAC systems are unobtainable for some of our members. Asking those businesses to constantly update those systems is unrealistic and provides very little benefit in combating the virus. This requirement should be removed. Before enforcement actions are taken on any updated proposal, we ask that the Permanent Standard be amended to provide realistic expectations and businesses be given the tools they need to satisfy the requirements. Finally, the Emergency Temporary Standard was adopted hastily and without adequate time for public input. There are measures currently contained in the ETS that are out of date or impossible to achieve for any business. We urge the Board not to make the same mistake with a regulation designed to last into the future. The Council believes that further amendments may be proposed by members of the Health and Safety Codes Board or the Administration. The Council would ask that should any amendments be proposed or adopted by the Board; the Board should allow for a second comment period before the final Permanent Standard is adopted. We appreciate the opportunity to comment on the proposed Permanent Standard and would be happy to answer any questions the Board may have. Sincerely, Kyle Shreve Executive Director Virginia Agribusiness Council	9/24/20 5:45 pm CommentID:85927
Anonymous	MUST APPROVE	We need to be safe. Businesses will not protect nor support us when we get sick. Covid is not going away because people are not following the rules. Until there is a vaccine this needs to be permanent.	9/24/20 5:46 pm CommentID:85928
Anonymous	Approve	Peoples lives are more important than money. The only people that oppose this are people that don't care about the heath and safety of people above money. Wear a mask, stay as far back as possible, wash your hands, and try to get your government to do the right thing. Lives above money.	9/24/20 5:50 pm CommentID:85931
Judy Freeman	Worker Protection Legislation	I am asking you to make permanent the temporary Worker Protection legislation passed in the Virginia General Assembly this spring. We desperately need to continue this measure. Sincerely, Judy Freeman	9/24/20 5:50 pm CommentID:85932
Anonymous	YES!!!!!	Please do not allow the ignorant to change this. Masks and gloves do not hurt people. There are NO exceptions. NONE. Wear a mask or don't go into the store. IF your a business, supply the equipment needed to keep your employees and customers safe. ITS A MASK KAREN!	9/24/20 5:53 pm CommentID:85933
Anonymous	protection of workers	Please make temporary protection of workers, permanent	9/24/20 5:54 pm CommentID:85934
Tian	Protection for employees	Protection of Employees. Enough said. PPE MANDATORY for all!	9/24/20 5:56 pm CommentID:85935
DR. JILL D. WOOD,	STRONGLY OPPOSE	I AM A SMALL BUSINESS OWNER IN VIRGINIA WHO OPPOSES MAKING THE COVID-19 WORKPLACE SAFETY EMERGENCY STANDARD PERMANENT. SIX MONTHS INTO THE	9/24/20 5:56 pm

PHARMHEALTH EXPRESS PHARMACY & WELLNESS	MAKING COVID-19 WORKPLACE SAFETY EMERGENCY STANDARD PERMANENT	PANDEMIC, I HAVE LEARNED TO ADAPT TO THIS UNPRECEDENTED TIME BY IMPLEMENTING SAFETY PROTOCOLS FROM A NUMBER OF FEDERAL AND STATE ENTITIES TO ENSURE PHYSICAL DISTANCING AND EXTENSIVE SANITIZATION. I WANT TO KEEP MY EMPLOYEES AND CUSTOMERS SAFE BECAUSE I CARE ABOUT THEIR WELFARE. NOW IS NOT THE TIME TO MAKE THE EMERGENCY TEMPORARY STANDARD PERMANENT WHEN IT'S LIKELY THIS PANDEMIC WILL BE TEMPORARY. IMPOSING "ONE SIZE FITS ALL" COVID-19 REGULATIONS ON ALL EMPLOYERS IS UNREASONABLE ESPECIALLY WHEN GUIDANCE IS CONTINUALLY CHANGING AS WE LEARN MORE ABOUT THE VIRUS. THE BOARD NEEDS TO TAKE THE TIME TO SEE WHAT CHALLENGES EMPLOYERS ARE FACING IMPLEMENTING THE EMERGENCY REGULATIONS BEFORE TAKING ANY FURTHER ACTION. MY COMPANY TAKE ITS RESPONSIBILITY FOR PROTECTING ITS EMPLOYEES SERIOUSLY. MAKING THE COVID-19 EMERGENCY REGULATIONS PERMANENT WILL ONLY MAKE A DIFFICULT SITUATION WORSE FOR EMPLOYERS AND EMPLOYEES. I REMAIN CONCERNED ABOUT THE IMPACT MANY OF THE PROVISIONS OF THE EMERGENCY REGULATIONS ARE HAVING ON MY BUSINESS AND ENCOURAGE THE BOARD TO NOT MAKE THEM PERMANENT.	CommentID:85936
David Ring, Strongwell	Strongly oppose	Strongly oppose.	9/24/20 5:57 pm CommentID:85937
Pamela Johnson	Strongly Oppose making DOLI Regs Permanent	I strongly oppose making DOLI regulations permanent. The CARES Act has leave that small businesses can't continue to afford to pay for as well as many other CDC and OSHA guidelines. We are lucky to still be in business at all after shutting the country down for 2 months. The country is still shut down.	9/24/20 5:57 pm CommentID:85938
Faivre Insurance and Financial Services, Inc.	I oppose making Covid 19 workplace standards permanent	I am a small business owner in Virginia who opposes making the COVID-19 Workplace Safety Emergency Standard permanent. As an essential business and an owner who has been dealing face to face with this pandemic for over 6 months, I have learned to adapt by implementing safety protocols to ensure physical distancing and extensive sanitization. I have worked hard to keep my employees and customers safe because I care about their welfare as well as my own. Now is not the time to make the emergency temporary standard permanent. Imposing "one size fits all" COVID-19 regulations on all employers is unreasonable especially when guidance is continually changing as we learn more about the virus. The Board needs to take the time to see what challenges employers are facing implementing the emergency regulations before taking any further action. My company takes its responsibility for protecting its employees seriously. Making the COVID-19 emergency regulations permanent will only make a difficult situation worse for employers and employees. I remain concerned about the impact many of the provisions of the emergency regulations are having on my business and encourage the Board to not make them permanent.	9/24/20 6:08 pm CommentID:85939
James Doughton	Strongly Opposed	Please do not burden our business and employees with ongoing expenses and regulations when we have not had enough time to determine what is actually best for these unique situations. Please be patient.	9/24/20 6:12 pm CommentID:85940
Anonymous	Strongly Oppose Adopting a Permanent Standard	Members of the Safety and Health Code Board, I am the Region Manager of multiple production facilities in the precast concrete industry. We produce essential products to support the infrastructure needs of the Commonwealth, I oppose adopting a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220. • As a critical part of the Construction Industry we are an essential business that has been performing critical work in the Commonwealth since the onset of the pandemic. The health and safety of all employees is the top priority of our company. A culture of safety is our primary operating principle. We implemented the CDC and OSHA COVID-19 guidelines for construction as soon as they were published and are in compliance with the CARES Act mandates. • We worked for four and a half months under CDC and OSHA guidelines before the Emergency Temporary Standard became effective, July 27,2020. During those months we implemented critical safety measures to ensure the health of our employees. The federal guidelines for construction were working and additional regulations were duplicative and unnecessary. • The science of COVID-19 is continuously being updated. The CDC and OSHA guidelines are frequently updated to reflect the science. The Emergency Temporary Standard, proposed in April 2020, is outdated and inflexible. If the standard were to become permanent, it would continue to require businesses to comply with outdated regulations. What was thought to be true about the transmission of SARS-CoV-2 in April, is no longer accurate. As an example, the disinfection standard requirements are based on practices that now may not provide meaningful reduction in transmission. An hour or more a day is spent disinfecting tools and equipment. It is time consuming and burdensome to continue with practices no longer scientifically relevant. • The costs of the required training (16VAC25-220-70 and 16VAC25-220-80) average a total of 2 hours per employee. Developing the Infectious Disease Preparedness and Response Plan (16VAC25-220-70), not including implementation, requires approximately 40 hours by a supervisory level employee. These hours are in addition to and impede other job functions. • Non-medically trained individuals now are required to perform health screenings. Screening each employee on average, takes thirty minutes at the start of a shift. Individuals must take accountability for their own health and not report to work if they are exhibiting the symptoms of COVID-19. After six months, Virginians should be very well aware of those symptoms. Our company, as mandated by the CARES Act, provides the Paid Sick Leave necessary for employees to stay home if they are ill. • Under the umbrella of Construction, our job tasks fall into the "Low" and "Medium" categories as defined in 16VAC25-220-30. The standards use "Grave" danger to regulate **ALL** businesses in Virginia, yet the great majority of deaths in Virginia (79% or 2269 as of September 23rd Virginia Department of Health Dashboard) were patients over the age of 70. As it is unlikely many over the age of 70 were actively still in the workplace, that leaves 613 deaths over 6 months or a death rate in Virginia of.007% based on a population of 8,536,000 (2019 US Census Bureau). Further, 54% (1556) of deaths were patients in long-term care and correctional facilities. As not all of those deaths fall into the over 70 category, that means less than 613 deaths were *potentially* working Virginians. Where they were exposed to the virus is not provided in the data. The definition of "Grave" danger for "low" and "medium" risk category needs to be revisited. These categories should be removed from the Temporary Standard and never be part of any Permanent Standard. I am opposed to any amendment to include other flus, viruses, colds, or other communicable diseases in any permanent standard. There is no one-size fits all plan to combat a wide variety of infectious illnesses. The Emergency Standards are burdensome, obsolete, difficult to enforce, costly in time and money, and lack flexibility to adapt to current science and innovation. I am STRONGLY OPPOSED to the adoption of these as a Permanent Standard for what is a temporary health situation. I remain committed to the health and safety of my employees, co-workers, customers, and facilities and thank you for the opportunity to publicly comment.	9/24/20 6:23 pm CommentID:85943
C Burns	Strongly oppose	These regulations are already out of date. They are onerous and will not be permanently needed.	9/24/20 6:27 pm CommentID:85944
Gene McGee	Strongly Oppose Adopting a Permanent Standard	Members of the Safety and Health Code Board, I am the Region Manager of multiple production facilities in the precast concrete industry servicing states from the East Coast to the Midwest, including VA, MD, DE, and Washington DC. We produce essential products to support the infrastructure needs of the Commonwealth, I oppose adopting a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220. • As a critical part of the Construction Industry we are an essential business that has been performing critical work in the Commonwealth since the onset of the pandemic. The health and safety of all employees is the top priority of our company. A culture of safety is our primary operating principle. We implemented the CDC and OSHA COVID-19 guidelines for construction as soon as they were published and are in compliance with the CARES Act mandates. • We worked for four and a half months under CDC and OSHA guidelines before the Emergency Temporary Standard became effective, July 27,2020. During those months we implemented critical safety measures to ensure the health of our employees. The federal guidelines for construction were working and additional regulations were duplicative and unnecessary. • The science of COVID-19 is continuously being updated. The CDC and OSHA guidelines are frequently updated to reflect the science. The Emergency Temporary Standard, proposed in April 2020, is outdated and inflexible. If the standard were to become permanent, it would continue to require businesses to comply with outdated regulations. What was thought to be true about the transmission of SARS-CoV-2 in April, is no longer accurate. As an example, the disinfection standard requirements are based on practices that now may not provide meaningful reduction in transmission. An hour or more a day is spent disinfecting tools and equipment. It is time consuming and burdensome to continue with practices no longer scientifically relevant. • The costs of the required training (16VAC25-220-70 and 16VAC25-220-80) average a total of 2 hours per employee. Developing the Infectious Disease Preparedness and Response Plan (16VAC25-220-70), not including implementation, requires approximately 40 hours by a supervisory level employee. These hours are in addition to and impede other job functions. • Non-medically trained individuals now are required to perform health screenings. Screening each employee on average, takes thirty minutes at the start of a shift. Individuals must take accountability for their own health and not report to work if they are exhibiting the symptoms of COVID-19. After six months, Virginians should be very well aware of those symptoms. Our company, as mandated by the CARES Act, provides the Paid Sick Leave necessary for employees to stay home if they are ill. • Under the umbrella of Construction, our job tasks fall into the "Low" and "Medium" categories as defined in 16VAC25-220-30. The standards use "Grave" danger to regulate **ALL** businesses in Virginia, yet the great majority of deaths in Virginia (79% or 2269 as of September 23rd Virginia Department of Health Dashboard) were patients over the age of 70. As it is unlikely many over the age of 70 were actively still in the workplace, that leaves 613 deaths over 6 months or a death rate in Virginia of.007% based on a population of 8,536,000 (2019 US Census Bureau). Further, 54% (1556) of deaths were patients in long-term care and correctional facilities. As not all of those deaths fall into the over 70 category, that means less than 613 deaths were *potentially* working Virginians. Where they were exposed to the virus is not provided in the data. The definition of "Grave" danger for "low" and "medium" risk category needs to be revisited. These categories should be removed from the Temporary Standard and never be part of any Permanent Standard. I am opposed to any amendment to include other flus, viruses, colds, or other communicable diseases in any permanent standard. There is no one-size fits all plan to combat a wide variety of infectious illnesses. The Emergency Standards are burdensome, obsolete, difficult to enforce, costly in time and money, and lack flexibility to adapt to current science and innovation. I am STRONGLY OPPOSED to the adoption of these as a Permanent Standard for what is a temporary health situation. I remain committed to the health and safety of my employees, co-workers, customers, and facilities and thank you for the opportunity to publicly comment.	9/24/20 6:27 pm CommentID:85945
Michael Morgan	Strongly oppose permanent COVID regulations	I strongly oppose any permanent sanctions put in place for COVID mitigation	9/24/20 6:37 pm CommentID:85947
carol lindsay	Oppose Covid 19 mandate	I strongly oppose a mandate for covid 19. This is no worse than the flu. Businesses are hurting and people are hurting. The prices of foods have gone up and those on fixed incomes are especially having problems. The mask is rediculus. It says on the box it does not protect you from covid 19 so why would you force someone to wear it breathing in carbon monixide? There are a lot of people out here with health issues. Is this really about a virus or being compliant?	9/24/20 6:39 pm CommentID:85948
Pinkie Wood, Wood Safety Consultants	Strongly opposed	While I believe that temporary measures were needed to protect employees and the public from a virus that we could not seem to control, permanent standards with no end date seems to be an excessive measure that does not make sense. We as a people are very good at working to, if not eliminate them to adequately control diseases that we are faced with. If we can come up with an answer for AIDS, we can surely come up with a vaccination to control Covid19. This will render the need for the temporary measures to be unnecessary. A permanent regulation is not only not needed but is ludicrous	9/24/20 6:39 pm CommentID:85949
Maura Harrison	Oppose making CoVID regs mandatory	STRONGLY OPPOSED	9/24/20 6:51 pm CommentID:85951
Wright's Iron, Inc	CVID-19	I am a small business owner in Virginia who opposes making the COVID-19 Workplace Safety Emergency Standard permanent. I have learned over the last six months to adapt to these uncertain times and have implemented common sense protocols in place. Now is no the time to impose "one size fits all" COVID-19 regulations on small businesses. This is unreasonable, especially when guidance is continually changing as we learn more about the virus. No more regulations. Allow businesses to make the decisions that are best for there specific work places and employees.	9/24/20 6:59 pm CommentID:85954
Ed Wilson	Why small businesses OPPOSE making these standards permanent	The standards approved in July 2020 had flaws. These standards were pushed though with little input from all business types & sizes and they go way beyond federal standards. Just a few examples of how these regulations are expensive, confusing, and difficult for small business: • Requiring physical separation of employees at low-risk businesses by a permanent, solid floor to ceiling wall when physical distancing can't be achieved. Yet higher risk businesses have more flexibility to use smaller temporary barriers like Plexiglas sneeze guards. This makes no since! Why would we make this permanent? • All businesses must clean and disinfect at the same intervals whether its a 9 to 5 office setting or a factory with round-the-clock shifts. Again, imposing burdens without any rationale. No one size fits all solution is practical.	9/24/20 7:15 pm CommentID:85955

		• Requiring employers to determine the risk of each employee instead of basing that on their job tasks. Again, just makes no since. • Attempting to regulate sick leave policies, flexible work sites, flexible schedules, meetings and travel, and delivery of services or products without regard to varying industry standards. Do not take this flexibility away from any business! They need this exact flexibility to keep operating & providing services to all Virginians. • Not allowing enough time to train employees. • Expecting employers with "reasonable diligence" to know when an employee is infected with the virus but doesn't define what that means. So many problems with this... Regulation that is unclear & not flexible is the very last thing VA needs to make permanent. We need to allow businesses the flexibility to keep employees safe as well as their own families. Look around! Small business owners have risen to the challenge to make VA safe. People acting like making these temporary regulations permanent is going to improve VA are just uneducated about the actual regulations they supposedly support. Oppose making these regulations permanent. They should remain flexible so they can be changed as needed!	
ROBERTS INS & FIN SVS INC	MANDETORY WORKPLACE SAFETY STANDARD	ABSOLUTELY NOT!!! I am a small business owner in Virginia who opposes making the COVID-19 Workplace Safety Emergency Standard permanent. Six months into the pandemic, I have learned to adapt to this unprecedented time by implementing safety protocols from a number of federal and state entities to ensure physical distancing and extensive sanitization. I want to keep my employees and customers safe because I care about their welfare. Now is not the time to make the emergency temporary standard permanent when it's likely this pandemic will be temporary. Imposing "one size fits all" COVID-19 regulations on all employers is unreasonable especially when guidance is continually changing as we learn more about the virus. The Board needs to take the time to see what challenges employers are facing implementing the emergency regulations before taking any further action. My company takes its responsibility for protecting its employees seriously. Making the COVID-19 emergency regulations permanent will only make a difficult situation worse for employers and employees. I remain concerned about the impact many of the provisions of the emergency regulations are having on my business and encourage the Board to not make them permanent.	9/24/20 7:19 pm CommentID:85956
Cheryl Lynn Alexander	oppose permanent mandate	I strongly oppose making COVID-19 mandates permanent. It has cost small businesses greatly. In addition small business should not have to live in fear of being shut down for not following regulations that have no proven advantage toward the safety and well being of our communities.	9/24/20 7:27 pm CommentID:85957
Nancy Brooks	Please make workplace safety permanent	I am grateful that VA has good leadership and standards during the pandemic. Please make the workplace protections permanent.	9/24/20 7:28 pm CommentID:85958
Jerald Akers	Oppose this bureaucratic nonsense	This is a joke! 47 pages of government overreach! It took you 47 pages to tell businesses they need to wear masks to protect them from a virus that has killed less than 1% of those infected!!! And the majority of those 1% are elderly people who aren't even in the work place!! Get out of your government office and go walk the aisles of a business place and see the real world for once. Then you'll realize this proposed 47 pages of nonsense is a totally unnecessary!	9/24/20 7:45 pm CommentID:85960
Anonymous	strongly support	strongly support.	9/24/20 7:46 pm CommentID:85961
Anonymous	strongly support	strongly support	9/24/20 7:46 pm CommentID:85962
Anonymous	strongly support	yes please make permanent restrictions	9/24/20 7:47 pm CommentID:85963
Barbara Wiggins	Humanity Has Heart	What the world need now is to take a long hard look around our communities and what do you see? People are getting older with no one who wants to take the time to help them unless there is a big pay check involved. One thing for sure is the fact that money don't last and none of it will be distributed when we are dead and gone. So, I say, please have a heart Dominion Energy, have a heart, take the time to get to know the people who are in need	9/24/20 7:51 pm CommentID:85965
Sean McAskill	Opposed to covid regulations	We have treatments that work and we are still pushing regulations in attempt to "do something". If you wish to be helpful encourage people to be healthy and boost their immune systems. The burden of regulations is having dire unforeseen effects on healthy people and unhealthy people. If you are a champion of poor people see how this is hurting lower middle class and lower income families. Also it would seem a logical thing to promote testing for those with immunity. If one thinks a vaccine will help but already having had covid doesn't this is illogical. The the first state to push for immunity testing. And protect those who do not wish to take mandatory vaccines. And if anyone tells you you must take a flu shot of covid shot tell them "my body my choice". we believe in freedom and this is the state that gave us so many founding fathers. Be a supporter of this liberty to choose for ourselves. Those who are in danger may find they have already had this disease. thank you Sean P. McAskill	9/24/20 8:01 pm CommentID:85967
David Crum	Strongly oppose these regulations	We do not need more governmental control on our lives. If businesses want to invoke these measures then so be it. This citizen has had it with the direction this state is headed.	9/24/20 8:14 pm CommentID:85968
K Davis	Strongly oppose permanent regulations	Strongly opposed making regulations permanent	9/24/20 8:16 pm CommentID:85970
Anonymous	Emergency regulations	I am a small business owner in Virginia who opposes making the COVID-19 Workplace Safety Emergency Standard permanent. Six months into the pandemic, I have learned to adapt to this unprecedented time by implementing safety protocols from a number of federal and state entities to ensure physical distancing and extensive sanitization. I want to keep my employees and customers safe because I care about their welfare. Now is not the time to make the emergency temporary standard permanent when it's likely this pandemic will be temporary. Imposing "one size fits all" COVID-19 regulations on all employers is unreasonable especially when guidance is continually changing as we learn more about the virus. The Board needs to take the time to see what challenges employers are facing implementing the emergency regulations before taking any further action. My company takes its responsibility for protecting its employees seriously. Making the COVID-19 emergency regulations permanent will only make a difficult situation worse for employers and employees. I remain concerned about the impact many of the provisions of the emergency regulations are having on my business and encourage the Board to not make them permanent	9/24/20 8:26 pm CommentID:85972
Robert Hoffmann	Executive Overreach	The Commonwealth does not need a permanent solution to a temporary problem. More importantly, there doesn't appear to be a way to disentangle the Commonwealth from these regulations once the COVID-19 outbreak is over. Virginia does not need a "safety" regulation that outlives the problem it's meant to solve. Something this broad and this invasive should come through the General Assembly, if it happens at all, and should come with sunset provisions. I also really don't need to see the Attorney General's office forced to waste money defending this excessive mandate from an inevitable series of lawsuits that could well outlive the Northam Administration. This is a bad idea, implemented in a bad way, destined to end up in several courts on the Commonwealth and Federal level, and likely to eventually fall. You can avoid all of this by tabling this regulation now.	9/24/20 8:29 pm CommentID:85973

Lisa Harris	In support	• **The permanent standard is necessary to protect working people in Virginia**
		  ◦ COVID isn't going away and there continue to be outbreaks
		  ◦ Another wave is likely very soon
		  ◦ Without permanent protections, workers will be at risk
		  ◦ Airborne transmission requires the strong standard.
		  ◦ Needed for all workers - no exceptions
		  ◦ A strong permanent standard will be useful for future pandemics
		• **Clear standards coming from one agency of authority simplifies things for employers and workers**
		  ◦ Standard requirements do not change with no notice as federal recommendations have been doing
		  ◦ Based off science instead of influence from big business interference or political whims
		  ◦ CDC/education exceptions makes it confusing and is impractical for employers - it should be removed
		• **The ETS is a strong standard and should be made permanent**
		  ◦ The standard is effective when employers implement the protections
		  ◦ Standard is based off scientific information, long-standing occupational H&S practices, and health & safety recommendations
		  ◦ Protections are important for controlling airborne hazards, which SARS-CoV-2 clearly is
		  ◦ The standard is a programmatic standard, so instead of being overly prescriptive, each employer is required to implement a program tailored to their workplace using scientific-based and longstanding workplace control practices
		  ◦ Highlight importance of key components for all at-risk workers: risk assessment, plan, training, etc.
		  ◦ Key components are based off current OSHA standards and familiar to employers and workers
		  ◦ Return to work requirements align with current science.
		  ◦ Ventilation requirements are in line with industry standards (ASHRAE)
		  ◦ Respiratory protection is clearly defined and required for workers who are deemed at risk
		  ◦ Face coverings are clearly defined and required according to previous VA mandates and helps control the spread of droplet transmission
		• **Recommendations for improvement:**
		  ◦ Removing CDC exception
		  ◦ 6 foot rule is not an effective control for airborne exposure - the virus travels farther. Ventilation, reduced persons and time in spaces, and other controls must be combined with distancing
		  ◦ Medical removal for known infections, exposures, or when recommended by a medical or public health professional, with removal protections
		  ▪ The employer must maintain the employee's base earnings, seniority, and other rights and benefits that existed at the time of removal until cleared for return to work
		  ◦ Strengthen the involvement of worker/rep involvement in the plan - the language is good, but it happens less often in practice. VOSH should ensure their educational material and enforcement efforts are clear that this must be done.
		• **OSHA has a longstanding history of helping employers with compliance and enforcement discretion with employers who are making good faith efforts.**
			9/24/20 8:35 pm CommentID:85974

		◦ **A permanent standard is needed to protect all workers, as COVID isn't going away and will help protect workers from future pandemics** ◦ **The ETS is a strong, comprehensive standard that sets clear requirements based off longstanding practices and current science and should be made permanent** ◦ **VA should move forward with the permanent standard rule-making with haste in order to ensure all workers are protected from COVID permanently**	
Transaction Expert	OPPOSED -	Too early to make permanent with little scientific fact, not political	9/24/20 9:00 pm CommentID:85976
Scott Crumpler	STRONGLY OPPOSE ADOPTING PERMANENT STANDARD	I am an employee in the precast concrete industry. WE produce essential elements that support the infrastructure in VA. I oppose making the temporary standards permanent- or the expansion of them. Adding flus, viruses, colds is not smart. There is not a one size fits all that covers these things- today anymore than there was a year ago--- when nobody even talked about this. The emergency Standards are themselves burdensome, unenforceable, costly in inflexible. It kicks dirt in the face of businesses who place their employees safety as their top priority.	9/24/20 9:05 pm CommentID:85977
Wink Fasteners Inc	Oppose making it permanent	I am a small business owner in Virginia who opposes making the COVID-19 Workplace Safety Emergency Standard permanent. Six months into the pandemic, I have learned that we are all still learning and need to be able to adapt to new information and protocols. I want to keep my employees healthy and safe because I care about their welfare . Now is not the time to make the emergency temporary standard permanent when it's likely this pandemic will be temporary. Imposing "one size fits all" COVID-19 regulations on all employers is unreasonable and unnecessary. The Board needs to take the time to see what challenges employers are facing implementing the emergency regulations before taking any further action.	9/24/20 9:12 pm CommentID:85980
Anonymous	Strongly Opposed	I am strongly opposed to this policy. It is overly burdensome and unnecessary long-term.	9/24/20 9:19 pm CommentID:85982
Scott Bunn	In the strongest way possible I Oppose making Covid-19 Emergency Regs Permanent	This government is far overreaching. It needs to end and anyone on the ballot in support of this needs to know your seat is going to be on this line if you vote yes to this.	9/24/20 9:31 pm CommentID:85984
Anonymous	COVID-19	**A permanent standard is needed to protect all workers, as COVID isn't going away and will help protect workers from future pandemics**	9/24/20 9:40 pm CommentID:85986
Cristeena Naser	Permanent Standard for CoVid-19 Protocols	Virginia needs a strong permanent standard to protect workers from COVID-19 with clear guidance for employers as to what they need to do to meet the standard. The temporary standard has helped protect workers lives. The proposed standard would provide the necessary strong protections for workers with clear guidance for employers. This standard will save lives, prevent COVID-19 spread and help get Virginia's economy moving again. We need a strong permanent COVID-19 standard!	9/24/20 9:40 pm CommentID:85987
Eve Schwartz	STRONGLY SUPPORT PERMANENT Workplace Health & Safety Standard	Virginia needs a strong, PERMANENT workplace health and safety standard. The Covid-19 pandemic will outlast the current temporary standard. To address the economic problems created by Covid, protecting everyone in the Commonwealth against it to the greatest possible extent is essential. In the long run, protecting people's health will save money and increase productivity. The proposed standard provides strong protections for workers as well as clear guidance for employers. It will help get Virginia's economy moving again because it will help prevent the Covid-19's spread. Without addressing the health crisis, the economy will continue to stagnate. Protecting workers health and safety saves money in the long run because when people can't work, they require social assistance.	9/24/20 9:49 pm CommentID:85989
Michelle Stanley	Strongly Oppose	To make permanent a mask mandate is an unnecessary burden on employees and employers. There is nothing nfrom stopping people from wearing a make IF THEY CHOOSE. The Va Dept of labor is overstepping your authority. If Virginia is going to mandate mask that should be done through the General Assembly where the delegates and senators can talk directly with constituents. NO! To mask.	9/24/20 9:50 pm CommentID:85990
Allen Getz Jr	STRONGLY OPPOSE a permanent face covering/mask requirement	Hello: My name is Allen Getz, Jr. I live in Mecklenburg County VA; the town of Boydton specifically As a partially deaf person who possesses a myriad of health issues, a permanent facial covering mandate prohibits me from exercising my rights as a Virginian. For example, on one occasion I could not participate in a Public Hearing in Mecklenburg County (date 15 September) because of the mask requirement -- the requirement prevents me (on this occasion) from entering the foyer to enter the Hearing occurring in an adjacent area. Also, I could not enter the Registrar's office and vote for the upcoming elections. Only by the placement of the equipment outside could I participate. I am certain I am not alone in these frustrations -- and seeing the lady tazed in Ohio gives me great cause for concern. For most of this, I feel as if I am relegated to the back of the bus. Disabled folks should not be treated in such fashion. Therefore, a 'NO' vote on mandatory facial coverings becomes obvious Sincerely, Allen Getz, Jr.	9/24/20 10:03 pm CommentID:85993
John Peterson	Strongly support a permanent standard	We need to extend the COVID-19 Emergency Temporary Standard (ETS) until COVID-19 is no longer a threat to health. It would be useful to have the standard be permanent for all pandemic conditions, so we don't have an 8 month delay the NEXT pandemic. The ETS benefits both employees and employers (by giving clear guidance), and by getting the economy going again while reducing transmission and saving lives.	9/24/20 10:18 pm CommentID:85995
Tricia McClintock	STRONGLY OPPOSE! PEOPLE WITH ASTHMA/ALLERGIES CANT BREATHE IN A MASK	THIS IS THE WORST POSSIBLE IDEA! IT'S NOT NECESSARY AMD PEOPLE WITH ASTHMA AND ALLERGIES CANNOT BREATHE IN A MASK! THIS WILL PREVENT PEOPLE FROM BEING ABLE TO WORK. WE DON'T NEED A NANNY STATE TELLING US WHAT TO DO- ESPECIALLY WHEN IT'S THE WRONG THING!	9/24/20 10:22 pm CommentID:85996
Keith and Megan Johnson	Government Overreach - OPPOSED	Any undue hardship such as: the requirement to wear a bacterial zoo (mask), socially distance or even mandatory vaccines are governmental overreach not authorized by state or federal law . . . in lieu of what Democrats claim. States do not have legal authority to seize this type of lawless power that is not set forth or enshrined within our founding documents. In addition, the Exceptions Clause in Order 63 is ignored by the Governor & the Health Department. We have underlying health conditions yet the Governor and health officials bully and intimidate innocent citizens by threatening jail time if we buy groceries, pick up our medicine or sing a simple song in Church. We refuse to be intimidated by immoral and unethical "leaders." We do not want to hear from you because it's time you listen to the citizenry for a change. We OPPOSE this attempt at violating our liberties.	9/24/20 10:30 pm CommentID:85997
Kim Marble	Cannot wear a mask	I cannot wear a mask for more than a moment or two due to a condition. This proposal is discriminatory and unconstitutional. I am fully against mask masks.	9/24/20 11:06 pm CommentID:86000
Shontell Giles	Strongly oppose permanently wearing a mask.	Wearing masks makes it difficult for people who suffer with asthma, bronchitis and allergies to breathe. Also, it's a hazard to our health and is very harmful for people to breathe in their own carbon monoxide. I very strongly suggest that this is not an mandatory permanent mandate.	9/25/20 12:04 am CommentID:86002
Laura B. Douglass	Strongly support Permanent Safety Standard	Those who profit from Virginia's excellent work force need to protect the workers who make the profits possible. Virginia needs a strong permanent standard to protect workers and provide guidance for their employers. The proposed standard provides strong protections for workers and clear guidance for employers. This standard will save lives, prevent COVID-19 spread and help get Virginia's economy moving again. A permanent safety standard must provide the necessary protection and support for those on the front lines. Please do the right thing, the moral thing, the thing you would want in place if your loved ones were "those workers" and vote for the Permanent Safety Standard.	9/25/20 12:15 am CommentID:86003
Anonymous	Strongly Oppose Permanent COVID Restrictions & Masks	We oppose permanent covid restrictions, including mask and vaccination provisions, for the workforce and private business. The government does not belong in private businesses and these one-size-fits-all approaches based on industry do not work well for small businesses. We the people decide what is best for our own businesses and it is overstepping the bounds of government to tell businesses how they must operate. We oppose permanent covid restrictions/procedures.	9/25/20 12:21 am CommentID:86004
Anonymous	Strongly Oppose this Legislation of Mandatory Mask Wearing	We are now being forced to wear mask in a Nation that has a valid Constitutional Right to not wear a mask. God has given us more protection than any mask. We rebuke Satan in the name of Jesus. This is a straight violation of our civil liberties and now the powers that be want to control our very lives. The virus is a lie and now that Left has lost the ejection this last ditch effort to control the people will not work.	9/25/20 12:50 am CommentID:86005
Anonymous	Legislators please do your due diligence from both sides.	To all legislators - You owe it to Virginians to KNOW both sides of the science of such practices. You are imposing unknown dangers if you impose this law.	9/25/20 1:29 am CommentID:86006
GC Smith	OPPOSE	OPPOSE	9/25/20 3:05 am CommentID:86007
Lisa Beard	Strongly oppose	I strongly oppose this legislation. Not only is it government overreach on something that should be left for the business owners and employees to decide if it is effective and necessary in their particular workplace I have personally experienced health issues associated WITH mask wearing. I have had sinus and lung conditions directly related to extended mask wearing. If you try to legislate this, I and others will be bringing a class action lawsuit against the state. The benefit DOES NOT outweigh the risk. Scientifically covid is no longer a pandemic nor an epidemic. Scientifically the masks worn do not filter out all the virus spored. Scientifically you are breaking back in your own bacteria that is present in your mouth. Scientifically this bacteria causes sinus and lung infections. If you try and mandate this you will not be using scientific reasoning. You will be leaving the state open to costly legal action.	9/25/20 5:07 am CommentID:86009
Martin Juergensen	Opposed! Where are the Clinical Trials to Prove Masks work?	Cite the clinical study for efficacy regarding any and all accepted face cover work? Since when do we restrict and quarantine the healthy in America? Our rights do not end where risk tolerance for others begin. This is overreach in restricting freedoms in America. Continuation of practice in wearing masks is even proven to be unhealthy in case studies... https://threadreaderapp.com/thread/1281191529537822720.html CDC numbers were skewed... https://canadafreepress.com/article/the-cdc-confesses-to-lying-about-covid-19-death-numbers https://principia-scientific.com/finally-cdc-admits-just-9210-americans-died-from-covid19/ Evidence masks do not work... https://articles.mercola.com/sites/articles/archive/2020/09/11/can-a-face-mask-prevent-coronavirus.aspx?cid_source=dnl&cid_medium=email&cid_content=art1ReadMore&cid=20200911Z1&mid=DM647803&rid=961961448&fbclid=IwAR2qXVtaCC5TL84ytbTzuQcVUDV2wNkyJiaXU9YcpSCYfJBlh2cb4S5zPgo https://lockdownsceptics.org/scientific-information-on-masks-against-covid-19/?fbclid=IwAR2cP2NZ14YUUgPDYPaolzAR_8-mnYgSFgj2Cpk1DfZDsO8gdaD3pawQpwA	9/25/20 7:32 am CommentID:86016
Barbara Smith	Very strongly oppose	This is excessive government overreach. There is ample scientific evidence that wearing masks could make transmission of Covid more likely. Masks make communication more difficult. Reading lips is	9/25/20 7:47 am

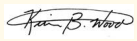
		necessary for those who have any degree of hearing loss or who are trying to understand anyone with an an accent. Masks are a barrier for English language learners or those studying a foreign language. Psychologically it distances people and increases the frequency, duration, and severity of mental illnesses. I find it difficult to breathe after wearing a mask for a period of time and I find I am less active. Citizens should be free to make their own choices.	CommentID:86022
John Susong, Rinker Materials	Opposing Permanent Standard for Infectious Disease Prevention	I work in the precast concrete industry. We produce essential products to support the infrastructure needs of the Commonwealth, I oppose adopting a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220. • As a critical part of the Construction Industry we are an essential business that has been performing critical work in the Commonwealth since the onset of the pandemic. The health and safety of all employees is the top priority of our company. A culture of safety is our primary operating principle. We implemented the CDC and OSHA COVID-19 guidelines for construction as soon as they were published and are in compliance with the CARES Act mandates. • We worked for four and a half months under CDC and OSHA guidelines before the Emergency Temporary Standard became effective, July 27,2020. During those months we implemented critical safety measures to ensure the health of our employees. The federal guidelines for construction were working and additional regulations were duplicative and unnecessary. • The science of COVID-19 is continuously being updated. The CDC and OSHA guidelines are frequently updated to reflect the science. The Emergency Temporary Standard, proposed in April 2020, is outdated and inflexible. If the standard were to become permanent, it would continue to require businesses to comply with outdated regulations. What was thought to be true about the transmission of SARS-CoV-2 in April, is no longer accurate. As an example, the disinfection standard requirements are based on practices that now may not provide meaningful reduction in transmission. An hour or more a day is spent disinfecting tools and equipment. It is time consuming and burdensome to continue with practices no longer scientifically relevant. • The costs of the required training (16VAC25-220-70 and 16VAC25-220-80) average a total of 2 hours per employee. Developing the Infectious Disease Preparedness and Response Plan (16VAC25-220-70), not including implementation, requires approximately 40 hours by a supervisory level employee. These hours are in addition to and impede other job functions. • Non-medically trained individuals now are required to perform health screenings. Screening each employee on average, takes thirty minutes at the start of a shift. Individuals must take accountability for their own health and not report to work if they are exhibiting the symptoms of COVID-19. After six months, Virginians should be very well aware of those symptoms. Our company, as mandated by the CARES Act, provides the Paid Sick Leave necessary for employees to stay home if they are ill. • Under the umbrella of Construction, our job tasks fall into the "Low" and "Medium" categories as defined in 16VAC25-220-30. The standards use "Grave" danger to regulate **ALL** businesses in Virginia, yet the great majority of deaths in Virginia (79% or 2269 as of September 23rd Virginia Department of Health Dashboard) were patients over the age of 70. As it is unlikely many over the age of 70 were actively still in the workplace, that leaves 613 deaths over 6 months or a death rate in Virginia of.007% based on a population of 8,536,000 (2019 US Census Bureau). Further, 54% (1556) of deaths were patients in long-term care and correctional facilities. As not all of those deaths fall into the over 70 category, that means less than 613 deaths were *potentially* working Virginians. Where they were exposed to the virus is not provided in the data. The definition of "Grave" danger for "low" and "medium" risk category needs to be revisited. These categories should be removed from the Temporary Standard and never be part of any Permanent Standard. I am opposed to any amendment to include other flus, viruses, colds, or other communicable diseases in any permanent standard. There is no one-size fits all plan to combat a wide variety of infectious illnesses. The Emergency Standards are burdensome, obsolete, difficult to enforce, costly in time and money, and lack flexibility to adapt to current science and innovation. I am STRONGLY OPPOSED to the adoption of these as a Permanent Standard for what is a temporary health situation. I remain committed to the health and safety of our employees. I appreciate the opportunity to make a public comment. John Susong Rinker Materials Northeast Region Product Resource Manager 317-714-8892	9/25/20 7:52 am CommentID:86023
Asher Smirh	Strongly oppose	Overreach. Leave it up to the establishments	9/25/20 7:55 am CommentID:86024
Justin Smith	Strongly Opposed	I am STRONGLY opposed to a permanent mandate from the Governor.	9/25/20 7:57 am CommentID:86026
Anonymous	Vehemently opposed	It seems that this is just another kneejerk reaction to an inflated problem. 70% of all VA deaths have been in people over 70. Just 613 people under 70 have succumbed to this "pandemic". Yet, we've crippled our economy and stripped freedoms from the remaining 8.5 million residents. Common sense must rule the day. Please don't further hurt VA small businesses by forcing further restrictions on them. Many have already been ruined, and have seen their life's dreams crushed by this situation. By making the restrictions permanent, you'll only force more hard working Virginians into misery. Other states have lifted their restrictions with no visible consequences. Don't make Virginia into a model of "what not to do". Please.	9/25/20 7:59 am CommentID:86027
Anonymous	Opposed	This virus is not permanent. Why are laws being created that are?	9/25/20 8:00 am CommentID:86028
Brian McPeters	Strongly Opposed	While COVID-19 is a challenge, this policy is knee jerk reaction that is not good for the workers or the companies. Further, it is readily apparent that while the pandemic is a concern government must be careful to understand the limited role they can take in spread of an infectious disease. The real question to be answered in response to this legislation is does this just make 'us' feel better or does it really make a worker safer. This does little to make a worker safer besides create more jobs for lawyers.	9/25/20 8:18 am CommentID:86030
Linda L Lawrence	Adopt the ETS	As a recent retiree from an organization whose leader told me on my last day of work that he wasn't worried about the virus, that he thought it was 'over-blown' by the media, I believe a formal standard must be in place and employers must be required to comply. My former workplace DID have strong safety measures in place, but because it was required. For many, that will be the only avenue available to protect our workers. Some employers will see no reason to implement and maintain any safeguards in the work place without an OSHA standard as official guidance.	9/25/20 8:18 am CommentID:86031
Anonymous	Strongly Opposed	This is over regulation for small businesses especially when things return to normal.	9/25/20 8:20 am CommentID:86033
Harry Meador	Strongly Oppose	I am a small business owner in Virginia who opposes making the COVID-19 Workplace Safety Emergency Standard permanent. Six months into the pandemic, I have learned to adapt to this unprecedented time by implementing safety protocols from a number of federal and state entities to ensure physical distancing and extensive sanitization. I want to keep my employees and customers safe because I care about their welfare. Now is not the time to make the emergency temporary standard permanent when it's likely this pandemic will be temporary. Imposing "one size fits all" COVID-19 regulations on all employers is unreasonable especially when guidance is continually changing as we learn more about the virus. The Board needs to take the time to see what challenges employers are facing implementing the emergency regulations before taking any further action. My company takes its responsibility for protecting its employees seriously. Making the COVID-19 emergency regulations permanent will only make a difficult situation worse for employers and employees. I remain concerned about the impact many of the provisions of the emergency regulations are having on my business and encourage the Board to not make them permanent.	9/25/20 8:23 am CommentID:86034
Barbara Buchanan	Permanently Wearing Masks	I am strongly opposed to this!	9/25/20 8:44 am CommentID:86036
Anononymous	Strongly Opposed	Strongly opposed! You are killing small businesses and taking our constitutional rights as American's!	9/25/20 8:47 am CommentID:86038
Anonymous	I Oppose making COVID-19 Emergency Regulations permanent	I am a small business operator in Virginia who opposes making the COVID-19 Workplace Safety Emergency Standard permanent. My company acts responsibly in protecting its employees. It is time for the state of emergency to be lifted and Virginia Citizens to be allowed to return to "normal" life.	9/25/20 8:47 am CommentID:86039
Anonymous	NO!!	Absolutely opposed!!!	9/25/20 8:53 am CommentID:86040
Tom Hamlet	Proposed Regulations on Covid 19	Strongly oppose making regulations permanent	9/25/20 8:58 am CommentID:86042
Aimee Connerton	Proposed Emergency Regulation Rejection	Workers need to be able to get back to work and life needs to get back to somewhat normal. Forcing employers to put unrealistic procedures and protections is not productive. Employees and employers should be allowed to make their own decisions.	9/25/20 9:01 am CommentID:86043
Michele Mattioli	make worker protections permanent	I urge you to make Virginia's first-in-the-nation worker protections permanent. This pandemic has shone a bright light on the inequities in our systems. Policy changes like these worker protections can even the playing field for our neighbors, who do vital and meaningful work in our society and who deserve our protection. Sincerely, Michele Mattioli Charlottesville	9/25/20 9:01 am CommentID:86044
Bettie Guion	Mask Wearing	I have asthma. I have tried every type of mask on the market. I cannot breathe in them. The lack of oxygen to my lungs causes me to cough incessantly. I do not see how the low numbers of cases and deaths at this point warrant the requirement for the citizens of Virginia to still wear masks. Friends are constantly getting headaches, exhaustion and nausea from wearing masks all day for work. School children need oxygen to keep their minds alert to take in information all day. There have been numerous studies that show the masks we are wearing do not keep out the minuscule droplets of Covid. The popular disposable ones even say on the box they do not protect the wearer from the virus.Even OSHA regulations confirm this. The only masks that are truly effective are fitted to the individual and only used in highly controlled settings for surgeries with superior air quality and extra HVAC circulation. Yes, people over a certain age or with compromised immune systems need to be careful. If wearing a mask makes a person feel more comfortable, it could be voluntary, but mandatory mask wearing I believe does more harm than good now that we know more about the numbers of Covid and how to treat it.	9/25/20 9:01 am CommentID:86045

Denise Luc	Strongly Support	i M
		
		I teach in NPS and am very concerned that without the protective standard, children and those they come into contact with will spread the disease impacting all around and our economy . Please weigh the issues carefully remembering that the resulting illnesses and deaths will greatly impact our economy. Many teachers are in the older at risk age range and that will also impact the education that our future generations receive.
		
		Additionally:
		
		• The permanent standard is necessary to protect working people in Virginia
		  ◦ COVID isn't going away and there continue to be outbreaks
		  ◦ Another wave is likely very soon
		  ◦ Without permanent protections, workers will be at risk
		  ◦ Airborne transmission requires the strong standard.
		  ◦ Needed for all workers - no exceptions
			9/25/20 9:03 am CommentID:86046

		A strong permanent standard will be useful for future pandemics • Clear standards coming from one agency of authority simplifies things for employers and workers ◦ Standard requirements do not change with no notice as federal recommendations have been doing ◦ Based off science instead of influence from big business interference or political whims ◦ CDC/education exceptions makes it confusing and is impractical for employers - it should be removed • The ETS is a strong standard and should be made permanent ◦ The standard is effective when employers implement the protections ◦ Standard is based off scientific information, long-standing occupational H&S practices, and health & safety recommendations ◦ Protections are important for controlling airborne hazards, which SARS-CoV-2 clearly is ◦ The standard is a programmatic standard, so instead of being overly prescriptive, each employer is required to implement a program tailored to their workplace using scientific-based and longstanding workplace control practices ◦ Highlight importance of key components for all at-risk workers: risk assessment, plan, training, etc. ◦ Key components are based off current OSHA standards and familiar to employers and workers ◦ Return to work requirements align with current science. ◦ Ventilation requirements are in line with industry standards (ASHRAE) ◦ Respiratory protection is clearly defined and required for workers who are deemed at risk ◦ Face coverings are clearly defined and required according to previous VA mandates and helps control the spread of droplet transmission • Recommendations for improvement: ◦ Removing CDC exception ◦ 6 foot rule is not an effective control for airborne exposure - the virus travels farther. Ventilation, reduced persons and time in spaces, and other controls must be combined with distancing ◦ Medical removal for known infections, exposures, or when recommended by a medical or public health professional, with removal protections ▪ The employer must maintain the employee's base earnings, seniority, and other rights and benefits that existed at the time of removal until cleared for return to work ◦ Strengthen the involvement of worker/rep involvement in the plan - the language is good, but it happens less often in practice. VOSH should ensure their educational material and enforcement efforts are clear that this must be done. • OSHA has a longstanding history of helping employers with compliance and enforcement discretion with employers who are making good faith efforts. ◦ A permanent standard is needed to protect all workers, as COVID isn't going away and will help protect workers from future pandemics ◦ The ETS is a strong, comprehensive standard that sets clear requirements based off longstanding practices and current science and should be made permanent ◦ VA should move forward with the permanent standard rule-making with haste in order to ensure all workers are protected from COVID permanently	
Anonymous	Strongly Opposed	Permanently requiring PPE and vaccinations is gross overreach on the very freedoms our country was founded upon. Not only will this permanent requirement be overreaching on our freedom(be it religious, basic right to life, liberty, and the pursuit of happiness, etc.), it violates basic human rights by forcibly injecting someone with unwanted vaccinations where the results have not had years of testing and results. It is too soon to create permanent requirements that will hinder the physical health of adults and children and only prolong the COVID-19 outbreak. The unknown risks and now CDC backtracking on the results of masks, etc is exactly why more time is needed to remain temporary requirements. Making this permanent will also result in the detriment of small businesses. As it's likely this pandemic will be temporary, imposing "one size fits all" COVID-19 regulations on all employers is unreasonable and unnecessary. The overreach into small businesses that make this country what it is will be catastrophic in the end. The government should support it's citizens and their decisions, not further hinder their pursuit of life, liberty, and happiness with permanent solutions for a temporary problem.	9/25/20 9:06 am CommentID:86047
Daniel Blount	Permanent mask mandate	strongly opposed	9/25/20 9:07 am CommentID:86048
Jim Rainero	Policies for covid 19 testing	I am against the permanent testing procedures for Covid-19 testing.	9/25/20 9:07 am CommentID:86049
Debbi Hetrick	Strongly Oppose	The research that I have been doing in an ongoing study to find out how much wearing a mask actually helps the prevention of this virus has led me to understand with certainty that a mask only helps to prevent the spread of bacteria not viruses. Since Covid-19 is a virus, I do not understand why any health department would even suggest that this is helpful to the average person. I would however, like to see an encouragement of a healthy lifestyle which would build the immune system thus lowering the chances of either getting the virus or reducing it's severity. This would include healthy eating, exercise, cleanliness, good sleep and the reduction of alcohol, smoking and drug use. Our bodies are naturally designed to fight off infections and the exposure to them helps to build your immune system. This, along with the numbers of hospitalization and deaths being so minor compared with the population, seem to be in complete disproportion to the hype this virus has received. I therefore, would like to encourage this committee to truly evaluate actual, truthful statistics, in their decision and not base it on widely populated misinformation.	9/25/20 9:08 am CommentID:86050
Sheryl Smith	Strongly opposed	I am very much opposed to wearing masks permanently for many reasons, some medical, some social, some emotional. This is overreach and violation of personal space and rights once the Covid emergency has passed.	9/25/20 9:08 am CommentID:86051
Nancy R Morgan	Please make permanent protection for workers	I support making permanent protection for workers. Virginia ranks very low on national ratings for worker rights; comprehensive safety rules for employers is a step in the right direction to support our workers, and consequently our Virginia families.	9/25/20 9:09 am CommentID:86052
Chris Chase	Making ETS permanent	Strongly Oppose	9/25/20 9:10 am CommentID:86053
Everett Anderson	Opposed	No changes to health standards should be made due to any short term infection outbreak until years of independent study determine they are safe and effective.	9/25/20 9:15 am CommentID:86054
Cynthia Gunnoe	Oppose permanent COVID 19 regulations	As a small business owner, the state mandated COVID 19 regulations are onerous and a definite overreach of influence the the VA Dept. of Labor. They were drafted with very little input from interested parties. They go above and beyond the federal guidelines. We do not need additional state guidelines on top of the federal guidelines. Employers in VA are capable of running their business' efficiently and safely with out having the burdens that VOSH is placing on them. Please do not make these guidelines permanent policy.	9/25/20 9:16 am CommentID:86055
Lewis Construction of VA Inc	STRONGLY OPPOSED TO PERMANENT COVID 19 STANDARD	Members of the Safety and Health Code Board, I am part of an underground utility contractor here in Virginia. We provide essential service to support the infrastructure needs in the Commonwealth. I oppose adopting a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus that causes COVID 19, 16VAC25-220. I am opposed to any amendment to include other flus, viruses, colds or other communicable diseases in any permanent standard. There is no one size fits all plan to combat a wide variety of infectious diseases. The emergency standards are burdensome, obsolete, difficult to enforce, costly in time and money, and lack flexibility to adapt to current science and innovation. I am STRONGLY OPPOSED to the adoption of these as permanent standard for what is a temporary health situation. I remain committed to the health and safety of my coworkers and employees and thank you for the opportunity to publically comment. Suzanne Lewis	9/25/20 9:16 am CommentID:86056
Heith Fenner	quarantine pay	Hi my name is Heith Fenner and I am a lifelong resident of Va . As a union representative of local 400 and former long time employee of Giant Food I have a good understanding of retail food working conditions and enviroment. It is very important that employers maintain and improve there sanitation and cleaning standards to slow and stop the spread of the coronavirus amongst the general public and front line essential workers. Also the employees need continued hazard pay and pay protections that cover them by there employers the entire time they are out sick with or quarantined due to the virus . The 2 week pay offered by some often comes up short and many employees don't have vacation time sick days or short term disability pay to cover there needs . This puts many retail workers and others in financial distress and vulnerable when that's the last thing they need. I appreciate the opportunity to make a few comments . Thanks and be well!	9/25/20 9:16 am CommentID:86057
Cara Sanfacon, Maid Right of Richmond VA	Strongly Oppose	I am a small business owner in Virginia who opposes making the COVID-19 Workplace Safety Emergency Standard permanent. Six months into the pandemic, I have learned to adapt to this unprecedented time by implementing safety protocols from a number of federal and state entities to ensure physical distancing and extensive sanitization. I want to keep my employees and customers safe because I care about their welfare. Now is not the time to make the emergency temporary standard permanent when it's likely this pandemic will be temporary. Imposing "one size fits all" COVID-19 regulations on all employers is unreasonable especially when guidance is continually changing as we learn more about the virus. The Board needs to take the time to see what challenges employers are facing implementing the emergency regulations before taking any further action. My company takes its responsibility for protecting its employees seriously. Making the COVID-19 emergency regulations permanent will only make a difficult situation worse for employers and employees. I remain concerned about the impact many of the provisions of the emergency regulations are having on my business and encourage the Board to not make them permanent. Making these regulations, which were never adequately discussed with the businesses who actually have to implement them, permanent is ridiculous. Small businesses like mine work very hard to make sure their employees stay safe so we can continue to operate and not lose our livelihood.	9/25/20 9:17 am CommentID:86058
Holly Porter, Delmarva Poultry Industry, Inc.	Strongly Oppose Permanent Standard	Dear Mr. Withrow: Thank you for the opportunity to comment on the adoption of a permanent standard pertaining to COVID-19. The Delmarva Poultry Industry, Inc. (DPI) is the 1,700-member trade association representing the chicken growers, companies and allied businesses in Delaware, the Eastern Shore of Maryland and the Eastern Shore of Virginia. In particular, we have two chicken company members in Accomack county that employ thousands of Virginia residents and contract with more than 60 growers. Our comments reflect the views of DPI and do not constitute a statement of admission on behalf of individual members of DPI.	9/25/20 9:18 am CommentID:86059

		To be clear, employee health and safety has been the number one priority of the Delmarva chicken companies, followed closely by providing an abundant food supply during this crisis. And the efforts that have been made have worked – prior to any regulations, emergency or permanent, being implemented. In the month of July, the Virginia Department of Health reported 13 cases associated with meat and poultry processing facilities, down from 25 in June, while the state overall saw an increase. DPI continues to have many of the same concerns with the permanent standard as we did with the emergency temporary standards and urges the Virginia Department of Labor and Industry (DOLI) **not to promulgate** the proposed permanent standard because the regulations **are not necessary and will not allow for flexibility as more is learned about this virus**. Virginia should not be making permanent regulations that are specific to a temporary virus – which we all believe COVID is. Both the United States Occupational Safety and Health Administration (OSHA) and the Centers for Disease Control and Prevention (CDC) have issued guidance, updated with regularity as new information is learned about the disease, to employers regarding preventative actions that can be taken to protect worker health and safety and mitigate against transmission of the disease at workplaces. As we've seen over the past few months, the pandemic requires swift action and flexibility; enacting a permanent regulation prevents that from occurring. It is clearly stated on CDC's website "This is a new virus, and CDC is actively working to learn more. We will provide updates as they become available." However, standard regulations will not allow businesses to make take those updates into account. We have seen that happen already with CDC updating interim guidance, in particular for critical infrastructure workers, allowing for workers that have had potential exposure to continue working, as long as they are asymptomatic and precautions are taken. **DPI would recommend rather than creating a permanent standard, the emergency temporary standard should allow for extension as long as the executive order is in place**. This makes the most sense rather than setting a precedent of a permanent standard on a temporary issue. The chicken community on the Eastern Shore of Virginia already recognizes that employee safety is a priority, and we will continue to follow all guidance that is provided from CDC, based on any updates that scientists and researchers discover as they learn more about coronavirus. However, these regulations are not going to provide any additional safety to the employees of Virginia and we urge DOLI to not promulgate them.	
Debby Hudson	Strongly Opposed	I am opposed to the government regulating what should be a personal decision of daily life.	9/25/20 9:19 am CommentID:86060
Ed Eagle	Strongly Oppose Adopting a Permanent Standard	I am a HR and Safety manager in the precast concrete industry. We continue to produce essential concrete products to support the infrastructure needs of the Commonwealth and I am oppose adopting a Permanent Standard for COVID 19 or any additional changes to it. We have been following the CDC and other guidelines since March to protect our employees and we will continue to do so. The health and safety of our people is our biggest priority. There is no one-size fits all plan to combat the wide variety of infectious illnesses and adding in more items such as colds, flu, etc. and making employers try to police it is too much. Adding more rules and regulations to this issue and pushing to hold employers accountable for something they did not create is just over the top crazy. This Emergency Standards is burdensome, obsolete, difficult to enforce, very costly in time and money, and quite frankly was simply never needed. We must have the flexibility to adapt to current science and innovation that is required to handle this issue and having to be tied to a permanent standard is not the answer. I am STRONGLY OPPOSED to the adoption of these as a Permanent Standard.	9/25/20 9:20 am CommentID:86061
Jason Dunlavey, Branscome Inc.	Strongly Oppose Adopting a Permanent Standard	Members of the Safety and Health Code Board, As a Project Manager in the heavy construction industry, I oppose adopting a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220. • Construction is an essential business performing critical work in the Commonwealth since the onset of the pandemic. The health and safety of all employees is the top priority of our company. A culture of safety is our primary operating principle. We implemented the CDC and OSHA COVID-19 guidelines for construction as soon as they were published and are in compliance with the CARES Act mandates. • Construction worked for four and a half months under CDC and OSHA guidelines before the Emergency Temporary Standard became effective, July 27,2020. During those months we implemented critical safety measures to ensure the health of our employees. The federal guidelines for construction were working and additional regulations were duplicative and unnecessary. • The science of COVID-19 is continuously being updated. The CDC and OSHA guidelines are frequently updated to reflect the science. The Emergency Temporary Standard, proposed in April 2020, is outdated and inflexible. If the standard were to become permanent, it would continue to require businesses to comply with outdated regulations. What was thought to be true about the transmission of SARS-CoV-2 in April, is no longer accurate. As an example, the disinfection standard requirements are based on practices that now may not provide meaningful reduction in transmission. An hour or more a day is spent disinfecting tools and equipment. It is time consuming and burdensome to continue with practices no longer scientifically relevant. • The costs of the required training (16VAC25-220-70 and 16VAC25-220-80) average a total of 2 hours per employee. Developing the Infectious Disease Preparedness and Response Plan (16VAC25-220-70), not including implementation, requires approximately 40 hours by a supervisory level employee. These hours are in addition to and impede other job functions. • Non-medically trained individuals now are required to perform health screenings. Screening each crew on average, takes thirty minutes at the start of a shift. Individuals must take accountability for their own health and not report to work if they are exhibiting the symptoms of COVID-19. After six months, Virginians should be very well aware of those symptoms. Our company, as mandated by the CARES Act, provides the Paid Sick Leave necessary for employees to stay home if they are ill. • Construction tasks fall into the "Low" and "Medium" categories as defined in 16VAC25-220-30. The standards use "Grave" danger to regulate **ALL** businesses in Virginia, yet the great majority of deaths in Virginia (79% or 2269 as of September 23rd Virginia Department of Health Dashboard) were patients over the age of 70. As it is unlikely many over the age of 70 were actively still in the workplace, that leaves 613 deaths over 6 months or a death rate in Virginia of.007% based on a population of 8,536,000 (2019 US Census Bureau). Further, 54% (1556) of deaths were patients in long-term care and correctional facilities. As not all of those deaths fall into the over 70 category, that means less than 613 deaths were ***potentially*** working Virginians. Where they were exposed to the virus is not provided in the data. The definition of "Grave" danger for "low" and "medium" risk category needs to be revisited. These categories should be removed from the Temporary Standard and never be part of any Permanent Standard. I am opposed to any amendment to include other flus, viruses, colds, or other communicable diseases in any permanent standard. There is no one-size fits all plan to combat a wide variety of infectious illnesses. The Emergency Standards are burdensome, obsolete, difficult to enforce, costly in time and money, and lack flexibility to adapt to current science and innovation. I am STRONGLY OPPOSED to the adoption of these as a Permanent Standard for what is a temporary health situation. I remain committed to the health and safety of my coworkers and thank you for the opportunity to publically comment. Jason Dunlavey	9/25/20 9:20 am CommentID:86062
Anonymous	I oppose COVOD mandates	I am strongly opposed to the COVID mandates becoming permanent. We were supposed to be under them to "flatten the curve". Well, that has happened, as well as now knowing more about COVID and seeing it isn't as deadly as previously thought. We need to stop government overreach and putting undue burden on businesses of all sizes, but specifically on small businesses. The extra precautions don't really provide the needed protection and just end up dividing us more as a society that is already divided. Please use common sense. Stop the unnecessary mandates!! We are adults and most people are following the rules without big brother mandating everything. Why don't you focus on public safety and stop the violence on our streets and support our police rather than policing private citizens.	9/25/20 9:23 am CommentID:86063
Mike Carroll	Strongly Oppose Adopting a Permanent Standard	Members of the Safety and Health Code Board, As an Project Manager in the heavy construction industry, I oppose adopting a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220. · Construction is an essential business performing critical work in the Commonwealth since the onset of the pandemic. The health and safety of all employees is the top priority of our company. A culture of safety is our primary operating principle. We implemented the CDC and OSHA COVID-19 guidelines for construction as soon as they were published and are in compliance with the CARES Act mandates. · Construction worked for four and a half months under CDC and OSHA guidelines before the Emergency Temporary Standard became effective, July 27,2020. During those months we implemented critical safety measures to ensure the health of our employees. The federal guidelines for construction were working and additional regulations were duplicative and unnecessary. · The science of COVID-19 is continuously being updated. The CDC and OSHA guidelines are frequently updated to reflect the science. The Emergency Temporary Standard, proposed in April 2020, is outdated and inflexible. If the standard were to become permanent, it would continue to require businesses to comply with outdated regulations. What was thought to be true about the transmission of SARS-CoV-2 in April, is no longer accurate. As an example, the disinfection standard requirements are based on practices that now may not provide meaningful reduction in transmission. An hour or more a day is spent disinfecting tools and equipment. It is time consuming and burdensome to continue with practices no longer scientifically relevant. · The costs of the required training (16VAC25-220-70 and 16VAC25-220-80) average a total of 2 hours per employee. Developing the Infectious Disease Preparedness and Response Plan (16VAC25-220-70), not including implementation, requires approximately 40 hours by a supervisory level employee. These hours are in addition to and impede other job functions. · Non-medically trained individuals now are required to perform health screenings. Screening each crew on average, takes thirty minutes at the start of a shift. Individuals must take accountability for their own health and not report to work if they are exhibiting the symptoms of COVID-19. After six months, Virginians should be very well aware of those symptoms. Our company, as mandated by the CARES Act, provides the Paid Sick Leave necessary for employees to stay home if they are ill. · Construction tasks fall into the "Low" and "Medium" categories as defined in 16VAC25-220-30. The standards use "Grave" danger to regulate **ALL** businesses in Virginia, yet the great majority of deaths in Virginia (79% or 2269 as of September 23rd Virginia Department of Health Dashboard) were patients over the age of 70. As it is unlikely many over the age of 70 were actively still in the workplace, that leaves 613 deaths over 6 months or a death rate in Virginia of.007% based on a population of 8,536,000 (2019 US Census Bureau). Further, 54% (1556) of deaths were patients in long-term care and correctional facilities. As not all of those deaths fall into the over 70 category, that means less than 613 deaths were *potentially* working Virginians. Where they were exposed to the virus is not provided in the data. The definition of "Grave" danger for "low" and "medium" risk category needs to be revisited. These categories should be removed from the Temporary Standard and never be part of any Permanent Standard. I am opposed to any amendment to include other flus, viruses, colds, or other communicable diseases in any permanent standard. There is no one-size fits all plan to combat a wide variety of infectious illnesses. The Emergency Standards are burdensome, obsolete, difficult to enforce, costly in time and money, and lack flexibility to adapt to current science and innovation. I am STRONGLY OPPOSED to the adoption of these as a Permanent Standard for what is a temporary health situation. I remain committed to the health and safety of my coworkers/employees and thank you for the opportunity to publically comment.	9/25/20 9:28 am CommentID:86066
Anthony Bowers, CSP, ColonialWebb	Oppose the Standard	Dear Safety and Health Codes Board Members, On behalf of ColonialWebb (CW), I urge you to **oppose the adoption of a Permanent Standard for SARS-CoV-2**, which will make permanent the current temporary standards. In the wake of a global pandemic, America's construction industry was deemed essential. Hundreds of VA construction companies have remained open and operating throughout 2020. The ability to continue work was in large part due to the sophistication of the men and women who swiftly adapted to new health and safety measures to protect employees and their loved ones. CW has spent money beyond our budget and has invested countless hours to keep our teammates safe. This has included implementing prescreening, engineering our facility, controlling occupancy limits, staggering schedules/breaks, enforcing safe distancing, abiding by stay-at-home and return-to-work orders, posting signage, adding sanitary stations, rewriting daily procedures, and more. We have also complied with all government mandates regarding this pandemic. The current ETS require a one-size-fits-all approach for business across the state to implement procedures to stop the spread of SARS-Cov-2. Thus, we at CW have many concerns regarding making these standards permanent and respectfully ask you to vote to **oppose the adoption of a Permanent Standard for SARS-CoV-2**, for these main reasons: 1. Creates confusion because of conflicting federal and state regulations:	9/25/20 9:32 am CommentID:86067

		VA employers have access to guidance and resources from the CDC, OSHA, and VHD to help stop the spread of SARS-Cov-2. Certain additional requirements to the standards - particularly the return-to-work requirements - contradict that guidance and recommendations. Contradicting guidance becomes more convoluted in cases where CW has operations and worksites in other states. To reduce confusion when deciding which requirements to follow, employers should be able to utilize current, nationwide guidance. This would result in a consistent, clear message for our teammates, conveyed through CW policy. 2. Enforces premature mandates for an unprecedented event, while data and health recommendations continue to evolve: CDC and VHD guidance continues to evolve as evidenced by recent revisions to recovery/return to work guidance. By adopting these proposed permanent standards, it saddles VA employers with a standard that may not reflect the latest breakthroughs on this "fluid and dynamic" virus. VA employers should instead be encouraged to follow the latest CDC guidance without the need to interpret a standard that could be outdated the moment it is published. This creates hazardous risks for employers and their employees. 3. Increases liability risk due to vague language and unclear implementation threshold: While employers make their best effort to comply with guidance as well as required ETS, they still cannot control what employees do after-hours, which is their greatest risk of exposure. These standards place undue responsibility and liability on employers for actions occurring outside of the workplace. Adopting a standard for such a specific virus sets a dangerous precedent. There is high probability that this virus will soon be manageable, even preventable. A permanent standard implies that mandates - prescreens, face covers, etc. - will still be required even after an available vaccine or more controlled scenario of the virus is in place. A permanent standard to a non-permanent virus is unnecessary. 4. Fosters a distracted and diluted focus on other core safety precautions: The complex requirements of the proposed permanent standard is taking focus away from the traditional, serious safety risks. The one-size-fits-all standards cause employers to spend an inordinate amount of time interpreting and implementing new procedures. The quest to stay compliant will keep employers from getting fined or shut down, but it comes at the cost of not being able to focus on ongoing core - fatal four - safety risks. Before there were federal or state requirements, CW was intuitively procuring the necessary tools and training for our teammates to be safe and successful: this includes hand sanitizer, disinfectant, face coverings, dust masks, respirators, workplace controls (distancing & occupancy), as well as work processes in HVAC (work in air streams) and Plumbing (work on clogged lines) at facilities that could contain infectious diseases. Through our efforts, CW believes that the 40 hours we spend together are the safest place for our teammates to be during this pandemic. CW is committed to protecting our people and complying with all federal, state, and local regulations. That said, adopting a permanent standard for a temporary pandemic will not make VA's workers safer and will harm business in the process. For many reasons, a few listed above, I urge you to **oppose the adoption of a Permanent Standard for SARS-CoV-2**. Instead of setting regulation, the VOSH consultation program - an effective force in keeping VA's workplaces safe and healthy - should be tasked to prepare a standard curriculum for all employers to use in training employees as well as provide online consultative services for helping employers develop infectious disease preparedness and response plans and practices. Thank you for taking the time to evaluate my response. Most importantly, thank you for your efforts in making VA a safe and healthy place to work. Respectfully, Anthony Bowers, CSP	
Sharon Ellis	I STRONGLY OPPOSE MAKING COVID 19 MANDATES PERMANENT!! MASK MANDATES ARUNCONSTITUTIONAL!!	I STRONGLY OPPOSE MAKING COVID 19 MANDATES PERMANENT!! MASK MANDATES ARE UNCONSTITUTIONAL!!	9/25/20 9:36 am CommentID:86069
Scotty	Strongly Oppose	I am STRONGLY OPPOSED to making this permanent as we are discovering new data daily about the spread, containment and Nature of this virus, along with the types and the effectiveness of PPE, and the depths of the devastating economic impacts felt across our State.	9/25/20 9:36 am CommentID:86070
PoloMule, LLC	HELL NO!	Government overreach is never a good thing.	9/25/20 9:39 am CommentID:86073
Kathy Cantrell	NO	I am definitely NOT in favor of this!!!	9/25/20 9:43 am CommentID:86075
Ruth	STRONGLY OPPOSE MASK MANDATE	This poses limits Virginians' freedom to make decisions for themselves and their families.	9/25/20 9:46 am CommentID:86076
Di. Wilson	Pls vote no.	I am opposed to permanent mask mandate for inside or out. Thank you for your time & service to our state. Respectfully, Di Wilson	9/25/20 9:53 am CommentID:86080
Charles Smiley	STRONGLY OPPOSE. .	Ridiculous.	9/25/20 9:53 am CommentID:86081
John Palatiello, Executive Director, VAS	Oppose Permanent Infectious Standard	**AFFILIATE OF NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS** **10340 DEMOCRACY LANE, SUITE 300** **FAIRFAX, VA 22030** **844-414-1466** **www.vasurveyors.org** **info@vasurveyors.org** September 25, 2020 Safety and Health Codes Board Department of Labor & Industry 600 East Main Street, Suite 207 Richmond, Virginia 23219 RE: Public Comment; opposition to adopting the Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 / 16VAC25-220 Dear Members of the Safety and Health Codes Board: The Virginia Association of Surveyors (VAS) is a statewide professional association with membership of hundreds of licensed surveyors based in Virginia and others who do business in Virginia. The Safety and Health Codes Board on July 15, 2020, adopted an "Emergency Temporary Standard for Infectious Disease Prevention" related to COVID-19. Now, the Board is considering adopting a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2. VAS strongly opposes the Board's adoption of a Permanent Standard. Surveying is a professional service and was deemed "essential" in the early weeks of the pandemic, by Governor Northam's EO 53. Hundreds of Virginia surveyors have continued working in a safe manner. Our profession's success during the pandemic has been due to quickly adapting to the Centers for Disease Controls (CDC) and Virginia Department of Health (VDH) recommendations to control or prevent infectious disease spread. VAS opposes the Board's adoption of a Permanent Standard for these reasons: • **Conflicts with federal and state regulations; causes confusion** Virginia employers follow CDC, VDH, and OSHA guidance to help slow or prevent the spread of COVID. Certain regulations in the proposed Permanent Standard contradict other federal and state guidance – particularly the return-to-work criteria. The conflicting guidance is particularly troublesome to surveyors who work in adjoining states. Employers should follow nationwide guidance with particular attention to a state's recommendations where known elevated risks are present. • **A permanent standard for an evolving, unprecedented event is unwise** As COVID science continues to evolve, so do CDC and VDH recommendations for best practices. Adopting permanent standards that cements in place certain workplace requirements fails to appreciate that such permanent standards may become ineffective in the future. Instead, employers should be encouraged to follow CDC and VDH guidance as circumstances warrant. • **Employers may experience increased risks due to unforeseen, uncontrollable actions** Virginia employers make best efforts to comply with CDC and VDH guidance. However, employees on their own time may not appropriately comply with federal and state guidance. The proposed permanent standards places an undue liability risk on employers for actions that may take place outside of normal business hours and off employer-controlled premises or job sites. • **Adopting a permanent standard for a specific virus is a bad precedent** It is everyone's hope that an effective vaccine will be developed in the near future and the COVID virus will be significantly controlled or eradiated. Adopting a permanent standard for this virus suggests that certain workplace actions – such as face coverings and physical distancing, and daily health screenings, among others – will be required despite a dramatically reduced threat of spread or an eradicated virus. A permanent standard for a non-permanent infectious disease circumstance is unwise and burdensome.	9/25/20 9:59 am CommentID:86084

		The surveying profession has risen to the occasion and effectively responded to the COVID public health crisis, as has many industries and professions. No matter the merit perceived by some for adopting an "emergency temporary standard," there is considerably less merit for adopting a Permanent Standard for an evolving and hopefully resolvable public health circumstance. VAS strongly opposes the proposed Permanent Standard and respectfully urges the Board to not adopt it. Sincerely,  Kevin Wood, LS President	
Dianne Ewell	Strongly Oppose the Permanent covid-19 standard	I am a small business owner in Virginia who opposes making the Covid-19 Workplace Safety Emergency Standard permanent.	9/25/20 10:03 am CommentID:86088
Randy McClure, Rinker Materials	STRONGLY OPPOSED	I am a employee of Rinker Materials and have been in the precast concrete industry for many years. We produce essential products to support the infrastructure needs of the Commonwealth, I oppose adopting a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220. • As a critical part of the Construction Industry we are an essential business that has been performing critical work in the Commonwealth since the onset of the pandemic. The health and safety of all employees is the top priority of our company. A culture of safety is our primary operating principle. We implemented the CDC and OSHA COVID-19 guidelines for construction as soon as they were published and are in compliance with the CARES Act mandates. • We worked for four and a half months under CDC and OSHA guidelines before the Emergency Temporary Standard became effective, July 27,2020. During those months we implemented critical safety measures to ensure the health of our employees. The federal guidelines for construction were working and additional regulations were duplicative and unnecessary. • The science of COVID-19 is continuously being updated. The CDC and OSHA guidelines are frequently updated to reflect the science. The Emergency Temporary Standard, proposed in April 2020, is outdated and inflexible. If the standard were to become permanent, it would continue to require businesses to comply with outdated regulations. What was thought to be true about the transmission of SARS-CoV-2 in April, is no longer accurate. As an example, the disinfection standard requirements are based on practices that now may not provide meaningful reduction in transmission. An hour or more a day is spent disinfecting tools and equipment. It is time consuming and burdensome to continue with practices no longer scientifically relevant. • The costs of the required training (16VAC25-220-70 and 16VAC25-220-80) average a total of 2 hours per employee. Developing the Infectious Disease Preparedness and Response Plan (16VAC25-220-70), not including implementation, requires approximately 40 hours by a supervisory level employee. These hours are in addition to and impede other job functions. • Non-medically trained individuals now are required to perform health screenings. Screening each employee on average, takes thirty minutes at the start of a shift. Individuals must take accountability for their own health and not report to work if they are exhibiting the symptoms of COVID-19. After six months, Virginians should be very well aware of those symptoms. Our company, as mandated by the CARES Act, provides the Paid Sick Leave necessary for employees to stay home if they are ill. • Under the umbrella of Construction, our job tasks fall into the "Low" and "Medium" categories as defined in 16VAC25-220-30. The standards use "Grave" danger to regulate **ALL** businesses in Virginia, yet the great majority of deaths in Virginia (79% or 2269 as of September 23rd Virginia Department of Health Dashboard) were patients over the age of 70. As it is unlikely many over the age of 70 were actively still in the workplace, that leaves 613 deaths over 6 months or a death rate in Virginia of.007% based on a population of 8,536,000 (2019 US Census Bureau). Further, 54% (1556) of deaths were patients in long-term care and correctional facilities. As not all of those deaths fall into the over 70 category, that means less than 613 deaths were *potentially* working Virginians. Where they were exposed to the virus is not provided in the data. The definition of "Grave" danger for "low" and "medium" risk category needs to be revisited. These categories should be removed from the Temporary Standard and never be part of any Permanent Standard. I am opposed to any amendment to include other flus, viruses, colds, or other communicable diseases in any permanent standard. There is no one-size fits all plan to combat a wide variety of infectious illnesses. The Emergency Standards are burdensome, obsolete, difficult to enforce, costly in time and money, and lack flexibility to adapt to current science and innovation. I am STRONGLY OPPOSED to the adoption of these as a Permanent Standard for what is a temporary health situation. I remain committed to the health and safety of my colleagues, customers and the general public and thank you for the opportunity to publically comment on this very important issue.	9/25/20 10:04 am CommentID:86090
Julie Hunter	Strongly support making ETS permanent	The permanent standard is necessary to protect working people in Virginia. COVID isn't going away and there continue to be outbreaks with another wave likely. Clear standards coming from one agency of authority simplifies things for employers and workers. The ETS is based off scientific information, long-standing occupational H&S practices, and health & safety recommendations from experts. The ETS is a strong standard and should be made permanent.	9/25/20 10:07 am CommentID:86092
Anonymous	strongly oppose making hard times harder for small businesses	Please consider the impact this could have on all people. Those that run businesses and those that work for them.	9/25/20 10:07 am CommentID:86093
Nelson	Strongly Opposed	I am strongly opposed to making this regulation permanent.	9/25/20 10:09 am CommentID:86094
Ben Steele	Opposed! No!	Members of the Safety and Health Code Board, As an employee in the heavy construction industry, I oppose adopting a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220. I am opposed to any amendment to include other flus, viruses, colds, or other communicable diseases in any permanent standard. There is no one-size fits all plan to combat a wide variety of infectious illnesses. The Emergency Standards are burdensome, obsolete, difficult to enforce, costly in time and money, and lack flexibility to adapt to current science and innovation. I am STRONGLY OPPOSED to the adoption of these as a Permanent Standard for what is a temporary health situation. I remain committed to the health and safety of my coworkers and thank you for the opportunity to publicly comment.	9/25/20 10:09 am CommentID:86095
joan squires	Strongly Opposed	I strongly oppose the making of mask wearing PERMANENT. IMO there is not enough known about COVID 19 to make any PERMANENT mandates for the people of Virginia at this time.	9/25/20 10:11 am CommentID:86096
Lisa Dotson	Emergency Standard	Strongly Oppose making this permanent!!	9/25/20 10:17 am CommentID:86100
David	I am Strongly Opposed	I am strongly opposed to making a permanent order from a controversial emergency order given during a temporary situation.	9/25/20 10:17 am CommentID:86101
William Leyden	Reactionary and short sighted	Any permanent standard must address the requirements for all infectious disease outbreaks. It is more effective and efficient to establish a broad standard for each category of risk, i.e.: Airborne, Waterborne, Bodily fluid etc. Creating a standard for a Novel Virus potentially excludes other similar hazards. Invest the effort to address this properly or prepare to do it over next time a Novel Infection occurs.	9/25/20 10:18 am CommentID:86102
Stan Epps Jr. - Commonwealth Window Tinting	OPPOSED	STRONGLY WITH ALL MY HEART OPPOSE ANYTHING TO DO WITH COVID OR WEARING MASK. Stan Epps Jr	9/25/20 10:19 am CommentID:86103
Cristy Robinson	Strongly Oppose Adopting a Permanent Standard	Members of the Safety and Health Code Board-- As CFO for an excavation & grading company in the heavy construction industry, I oppose adopting a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220. I am opposed to any amendment to include other flus, viruses, colds, or other communicable diseases in any permanent standard. There is no one-size fits all plan to combat a wide variety of infectious illnesses. The Emergency Standards are burdensome, obsolete, difficult to enforce, costly in time and money, and lack flexibility to adapt to current science and innovation. I am STRONGLY OPPOSED to the adoption of these as a Permanent Standard for what is a temporary health situation. I remain committed to the health and safety of our employees and thank you for the opportunity to publically comment. Sincerely, Cristy Robinson	9/25/20 10:20 am CommentID:86105
Marble Personal Training	STRONGLY OPPOSED!!!	I am strongly opposed. This is ridiculous and stupid. Don't let this happen.	9/25/20 10:22 am CommentID:86106
Coleen bogert	Opposed to wearing a mask	I am opposed to wearing a mask	9/25/20 10:22 am CommentID:86107
Anonymous	Strongly Opposed: Town Hall - permanent mask wearing proposed in all Businesses	When venturing out into common areas and interacting with others we are wearing masks. In our office space we already have appropriate spacing, cleaning and hand washing, as well as an option for employees to work from home as needed, this seems to be going too far.	9/25/20 10:23 am CommentID:86108
Sandra Riley	Strongly oppose	Strongly oppose	9/25/20 10:25 am CommentID:86110
Teri Buck	ABSOLUTELY NOT! Strongly oppose ANY permanent regulations concerning COVID19!	Why would anyone suggest imposing **permanent mask-wearing** when we all know a vaccine is imminent? I am a business owner and this is ludicrous--and obviously just another Democrat abuse of power and an attempt to keep their opponents silent. This will NOT happen, in The Name of Jesus!	9/25/20 10:26 am CommentID:86111
Charlotte Malerich, Arlington Public Libraries (commenting as individual)	Yes: Mark the Standards Permanent, Protect the Frontline	Thank you for the opportunity to comment on this important issue. I am an assistant in a public library and my coworkers and I have been back at work, serving the public every day since June 15. Based on the best public health guidance available, we are using strict mask requirements, social distancing, plexiglas barriers, and extra cleaning to keep ourselves and our patrons safe. Right now, the library is a lifeline for people who feel isolated and anxious, who need reliable information as well as a chance to escape and to use their imaginations. Our patrons are toddlers learning to read and parents learning to teach their children at home, all the way to seniors who won't brave the grocery store themselves but will come to the library for their favorite book. Every day, multiple people tell me, "Thank you for being here," "Thank you for what you're doing for us," "Thank you for figuring this out. We missed the library so much!" My coworkers are proud of the work we're doing and the services we're offering. We are also mortal. We have young children at home, elderly parents and grandparents; we are cancer survivors, asthmatics, and diabetics. My husband has lost two members of his family to Covid-19; one of my coworkers has lost six. Another coworker has two members of her family currently hospitalized. We go to work every day with the knowledge that we might be exposing ourselves, and bringing the virus back to our loved ones. Covid-19 is no joke. And it will be with us long past January. So far, no one in our library has tested positive, but that's not the case in libraries around us that haven't followed the same safety protocols. Right now, the VOSH standards are protecting us, but if these rules go away, and we have to spend 40 hours a week in a place that doesn't keep us safe, my coworkers -- my workplace family -- are going to face potentially lifelong effects and some may even die. That's not acceptable. -Charlotte Malerich, Arlington Public Libraries, Member AFSCME District 20	9/25/20 10:27 am CommentID:86112
Virginia Hospital & Healthcare Association	16VAC25-220, Proposed Permanent Standard, Infectious Disease Prevention	SENT VIA EMAIL (Ray.Davenport@doli.virginia.gov) AND ONLINE (townhall.virginia.gov) September 25, 2020	9/25/20 10:30 am CommentID:86115

		C. Ray Davenport Commissioner Department of Labor and Industry Main Street Center 600 East Main Street, Suite 207 Richmond, Virginia 23219 ***Re: 16VAC25-220, Proposed Permanent Standard, Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, July 24, 2020.*** Dear Commissioner Davenport: On behalf of the Virginia Hospital & Healthcare Association's (VHHA) 26 member health systems, with more than 125,000 employees, thank you for the opportunity to comment on the Department of Labor and Industry's (the Department) Proposed Permanent Standard regarding Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19 (hereafter referred to as the "permanent regulation"). Since early March, Virginia's hospitals and health systems have been on the frontline treating patients inflicted with the COVID-19 virus and playing a leading role in the Commonwealth's response to the pandemic. Throughout these efforts, Virginia hospitals have remained steadfastly committed to our top priority – the safety of our patients, visitors, employees, and the communities we serve. As the Commonwealth continues its important work to reopen businesses and jump start our economy, ensuring that workers across the state can return to their normal activities safely is critically important. However, we are concerned that the broadly applicable nature of the permanent regulation, as well as several specific provisions, will have burdensome and costly implications, at the same time as hospitals and health systems continue to care for COVID-19 patients, reopen facilities, and face mounting financial pressures. We also question whether adopting a permanent regulation specific to COVID-19 is necessary or appropriate. The Commonwealth will undoubtedly face other pandemics or public health threats from communicable disease that involve different safety precautions than those indicated for COVID-19. Accordingly, we believe that a more general standard that sets forth a high-level framework rather than disease-specific criteria should be considered for permanent regulations. For example, the permanent regulations could be simplified in a manner that recognizes the threat posed by COVID-19, but more generally provides a basic series of steps employers would undertake for any pandemic or communicable disease of public health threat (*e.g.*, risk assessment, environmental and administrative controls, infection control plans). That is, the regulations need not be disease specific and could simply require best practices for disease infection and control that apply generally. Additionally, regardless of whether a permanent standard is specific to COVID-19 or communicable disease more generally, its applicability and enforcement should be tied to an executive order or an order of public health emergency declaring a state of emergency due to a communicable disease of public health threat. As proposed, the permanent standard would remain in effect in perpetuity, even when we are able to contain and offer effective treatment for COVID-19. Similarly, in the event of a few cases or a localized outbreak of a highly contagious disease that if more widespread might warrant a public health emergency on a statewide basis, the regulations should not be applicable and enforceable to an employer hundreds of miles away where there are no cases until such time as there is a recognized public health threat in the region. As noted in our public comment on the emergency regulations, infection prevention and control is a daily, ongoing focus within Virginia hospitals and health systems. Operating under the oversight of the Centers for Disease Control and Prevention (CDC), the Centers for Medicare & Medicaid Services (CMS), the Virginia Department of Health (VDH), and various other accreditation and regulatory authorities, hospitals and our ancillary facilities are required to consistently demonstrate that their patients and staff receive and provide care in a safe environment. This includes development and implementation of comprehensive infection control plans, quality improvement programs, managing supply chain, training employees and caregivers, ensuring employees have the resources they need, planning for future health emergencies, and working with congregate care settings to institute strong infection control practices, among other activities. In other words, infection prevention and control and ensuring the safety of our patients and employees are not a new focus for Virginia hospitals and health systems. They are ingrained components of our daily operations. Imposing new and separate regulatory requirements, many of which duplicate the policies and protocols already in place within our facilities, will unnecessarily result in burdensome new compliance costs without meaningfully improving our ongoing efforts to protect our patients and employees. Consequently, we recommend that Subsection G.1 of § 10 – which states that an employer in compliance with CDC publications regarding COVID-19 will be considered in compliance with the standard/regulation – be amended to acknowledge these requirements and explicitly state that hospitals, health systems, and other facilities under their control that are in compliance with the broader industry standards set forth by state and federal health care regulatory entities are deemed in compliance with the permanent regulation and not subject to enforcement actions for failure to comply with any specific requirement under the permanent regulation that is already addressed in these broader industry standards. Subsection B.5 of § 40 prohibits employers from permitting known or suspected COVID-19 employees or others to report to or be allowed to remain at work. While the intent of this prohibition is clear, as a practical matter it is problematic to require ongoing monitoring of all employees who may be experiencing symptoms that are not visible without examination or inquiry. Furthermore, it is difficult or impossible to enforce where the employee or other person does not physically report to a facility or building under the surveillance and control of the employer as distinct from a teleworking arrangement. To address this, the prohibition could be limited to not "knowingly" permitting the employee to report to or be allowed to remain at work. Alternatively, the prohibition could be limited to those employees who report COVID-19 to the employer under Subsection B.3 of § 40. Additionally, this subsection should be amended to explicitly state that hospitals and health systems that follow the CDC guidance pertaining to exposed healthcare workers returning to work will not be subject to enforcement actions under the permanent regulation. Subsection B.6. of § 40 requires employers to ensure that their "sick leave policies are flexible and consistent with public health guidance…" While we have no doubt that this subsection is well-intended, we believe that requiring "flexible" sick leave policies is vague and presents an opportunity for broad interpretation that may expose employers to unnecessary and costly litigation. Furthermore, we believe that determinations regarding required sick leave are best left to employers allowing them to design more comprehensive policies that include sick leave along with other paid leave and child and caregiver support benefits that provide relief when employee absence or assistance for a family member is required due to illness. Even if consideration were made for a revision that requires employers to adhere to applicable federal and state law regarding sick leave, such a clause would be redundant and unnecessary. Therefore, VHHA recommends this subsection be removed in its entirety. The requirement in Subsection B.7 of § 40 is unnecessary and inappropriate to impose on employers. Those subcontractors and companies that provide contract or temporary employees are presumably subject to these regulations by virtue of being an employer in their own right and an upstream employer should not bear this burden. Furthermore, such encouragement is more appropriate coming from the Department. Subsection B.8. of § 40 requires employers to notify their employees within 24 hours if an employee, subcontractor, contractor, temporary employee, or other person who was present at the place of employment within the previous 14 days tests positive for COVID-19. This requirement poses a challenge for hospitals. Given the inherently higher risk of exposure in the health care setting, notifying every employee of a hospital or health system each time an employee tests positive will require an unreasonable level of ongoing notification. Even assuming a blast e-mail or similar broad communication meets the requirement, notifying every employee – clinical or non-clinical – upon a positive test of essentially anyone entering the facility within a 14-day period is unrealistic and could have Health Insurance Portability and Accountability Act (HIPAA) privacy implications. In addition to our above concerns, we respectfully request clarification as to the definition of "place of employment." "Place of employment" is ambiguous and could mean at the same facility or job site. The Department has clarified this text in its Coronavirus (COVID-19) FAQs to mean "work site." However, the use of "work site" is equally ambiguous and does not present a clear standard by which an employer is able to comply and achieve the intended purpose of this provision. To address this issue, VHHA recommends the Department provide greater clarification as to the parameters in which employers must report outbreaks, such as limiting the definition of "place of employment" to specific units, floors, or offices as opposed to an entire facility. Furthermore, we are concerned about the Department's response to reports of an outbreak. We have received a copy of a letter from the Department sent in response to a report of an outbreak indicating that the employer must conduct an internal investigation and report those findings to the Department. However, the provided "Non-Mandatory Investigative Tool" was more applicable to a slip and fall than an outbreak of a communicable disease and does not provide clear guidance as to the scope and extent of the investigation required. Therefore, VHHA recommends the Department adopt a form or specific criteria in the permanent regulations that detail the information required by the Department when an employer conducts an internal investigation of an outbreak. Furthermore, greater flexibility in the timeline for completion of the internal investigation would be helpful. It is critical that, in the event of an outbreak, resources are immediately directed towards mitigating further contraction of the disease and excessive reporting and investigation requirements may detract from these important activities. Similar to our concerns with the ambiguity of the use of "place of employment," the definition of "Lower" contained within § 30 states that "[e]mployees in this category have minimal occupational contact with employees, other persons, or the general public…" "Minimal occupational contact" is undefined and does not provide clear guidance to employers seeking to comply with the permanent regulations. Subsections B.1. and B.2. of § 40 include language that appears to permit employers to choose between strategies for determining whether an employee known or suspected to be infected with COVID-19 will be allowed to work, such as a symptom-based, test-based, or time-based strategy. However, the permanent regulations note in these subsections that determination of what test will be used is "depend[ent] on local healthcare and testing circumstances." The permanent regulations do not state who makes the determination whether "local healthcare and testing circumstances" would support the use of one strategy for allowing an employee to return to work over another. Furthermore, testing supply availability and turnaround time have continued to be an ongoing issue for healthcare providers. By requiring employers who lack knowledge regarding "local healthcare and testing circumstances" to choose between the return to work strategies that include a testing-based strategy, the permanent regulations could further strain an already broken supply chain. As such, we recommend that the text "depending on local healthcare and testing circumstances" be removed from the permanent regulations. Subsection D of § 40 requires employers to ensure that employees observe physical distancing while on the job and during paid breaks on the employer's property. For large employers or for employers with expansive property or multiple staggered shifts, such an obligation may be impractical or impossible to enforce. VHHA recommends that this provision be modified to require that the employer "shall establish policies and procedures designed to ensure that employees observe physical distancing while on the job and during paid breaks on the employer's property." This creates a standard that allows the employer to monitor compliance where feasible, encourages reports of non-compliance, but does not apply "strict liability" to the employer in the event there is non-compliance despite reasonable efforts to prevent it. Subsection B.6. of § 50 requires "employers use precautions associated with Biosafety Level 3 (BSL-3)…when handling specimens from [patients or persons] known or suspected to be infected with [COVID-19]." The Department's Coronavirus (COVID-19) FAQs provide greater specificity and correctly identify the ambiguity of this Subsection. The net effect of the FAQ is to indicate that the applicable standard for the job tasks identified as "high" and "very high" in performance of laboratory tests and specimen handling is BSL-2. As such, we respectfully request the Department specify that BSL-2 special precautions apply to those job tasks or otherwise incorporate the interpretation contained within the Department's Coronavirus (COVID-19) FAQs as they pertain to the BSL-3 special precautions. Subsections C.1. of both §§ 50 and 60 require employers, to the extent feasible, to prescreen or survey each covered employee who is not COVID-19 symptomatic prior to each shift. Depending on the size of a hospital, a single shift could involve several hundred, if not more, employees. Some of those employees are clinical and treat COVID-19 patients, some are clinical and do not treat COVID-19 patients, and many others do not serve in clinical roles and are at minimal risk of exposure to infectious disease. Hospitals across the Commonwealth have already deployed numerous policies and protocols for screening health care workers that may be or have been exposed to COVID-19. Expanding those policies and protocols to every worker across a hospital or health system will substantially increase the burden on staff. This section should be amended to clarify that lower risk staff that do not serve in clinical roles and are at minimal risk of exposure to infectious disease are not required to be subject to the same screening requirements applicable to higher risk employees. In closing, while COVID-19 may be the first pandemic in recent years to broadly impact the Commonwealth, Virginia's hospitals and health systems deal with issues surrounding infection prevention and control, patient and workforce safety, and employee wellness on a daily basis. We have long-established policies and protocols governing these aspects of our operations and work closely with a variety of regulatory authorities to promote a safe care environment for our patients and our employees. Our utmost priority always has been and always will be the safety of our patients, visitors, employees, and the communities we serve. We appreciate the intent behind the permanent regulation and believe that the Department should work with industries with less experience in infection control and prevention and fewer resources to help mitigate and prevent further community spread of COVID-19 in the workplace. However, for reasons discussed here, the additional and duplicative requirements are unnecessary for hospitals and health systems and will have numerous burdensome and costly implications for them. Furthermore, the permanent regulations contain ambiguities that open hospitals and health systems to an uncertain and/or inconsistent interpretations by Department officials despite good faith efforts of hospitals and health systems to comply. We also question whether the permanent regulation should be specific to COVID-19 and believe that any such regulation should only be in effect for the duration of the public health emergency. Thank you again for the opportunity to comment on the permanent regulation. Please do not hesitate to contact Brent Rawlings (brawlings@vhha.com, 804-965-1228) or me at your convenience if we can provide any additional information regarding our suggested modifications. Sincerely, [SIGNATURE] Sean T. Connaughton President & CEO	
David Silverman	STRONGLY OPPOSE THIS MANDATE	I am a small business owner in Virginia who opposes making the COVID-19 Workplace Safety Emergency Standard permanent. Six months into the pandemic, I have learned to adapt to this unprecedented time by implementing safety protocols from a number of federal and state entities to ensure physical distancing and extensive sanitization. I want to keep my employees and customers safe because I care about their welfare. I spent hours reading, educating and documenting all these protocols that were mandated for this TEMPORARY need. Now is not the time to make the emergency temporary standard permanent when it's likely this pandemic will be temporary. Imposing "one size fits all" COVID-19 regulations on all employers is unreasonable especially when guidance is continually changing as we learn more about the virus. The Board needs to take the time to see what challenges employers are facing implementing the emergency regulations before taking any further action. My company takes its responsibility for protecting its employees seriously. Making the COVID-19 emergency regulations permanent will only make a difficult situation worse for employers and	9/25/20 10:33 am CommentID:86116

		employees. I remain concerned about the impact many of the provisions of the emergency regulations are having on my business and encourage the Board to not make them permanent. What happens when these protocols are no longer deemed appropriate. What happens when this virus adapts and changes making these madates obsolete to prevent spread? What happens when a new threat comes along that has different needs? There are so many questions that this mandate does not address. There are enough costs and risks on small business already. This could amount to the "Cure being worse than the virus". Lets not forget, while any death is a tragedy, trying to protect a very small segment by making the entirety live like this is not appropriate and can cause other issues resulting in other death as well.	
David Allen Company	Workplace Emergency Standards COVID - 19	We oppose making COVID -19 workplace emergency standards permanent. We are an employee owned Virginia business who has proactively invested in training, and equipment and initiated safety protocols consistent with state and national requirements in order to protect our team members and our workplace against COVID - 19. We do not believe in permanently imposing constrictive emergency standards. We have and will continue to adapt to workplace safety protocols including masks, social distancing and specific sanitization and disinfecting practices to keep our teams safe and working. We considered out staff and workplace "Essential" long before it was confirmed by the Commonwealth of Virginia. It is not necessary to permanently impose one size fits all measures for what should be (we pray) a temporary necessity. Christopher Walker	9/25/20 10:34 am CommentID:86117
David Armstrong	Temporary covid-19 regulations becoming permanent	Strongly opposed	9/25/20 10:37 am CommentID:86120
Dennis Edwards, CHST,OHST	Vote no to the proposed permanent standard	Prior to attempting to adopt any permanent standard, members of the Safety and Health Codes Board need to ask themselves, where is the data? Where is the data that supports the need for a permanent standard for COVID-19? Has the ETS truly prevented additional spread of the virus? What about VOSH compliance inspections and citations surrounding non-compliance of the ETS? Have any occurred? Have they made a difference? What is the state of small business in Virginia? Are businesses struggling because of the mandates in place? By announcing the intent to make the ETS permanent at the same time that it was enacted, VOSH made it clear that they were not interested in data. At face value this seems to be an entirely political move. Let's make the governor look great for enacting the first permanent COVID standard. Many of the requirements in this standard are vague and overly burdensome for small employers. Employers can do their best to implement what is required but at anytime, a client or customer that refuses to abide by policies can ruin every protection that was in place. Trying to enforce protections with the general public can lead to employees being put in a harmful situation. Is this what we want? This standard is not consistent with CDC and even VDH guidelines. Why are two Virginia agencies putting out conflicting information? This standard locks employers into obsolete data. Information around COVID changes daily but somehow this standard that was created months ago will protect everyone even though everything has now changed. Most employers have gone above and beyond to protect their employees during this pandemic. The ETS was not even warranted and now we want to ensure that we lock employers into following these requirements indefinitely. What happens once the pandemic is under control and is no longer considered a pandemic? Employers will be forced to continue wasting money that they don't have on protections that aren't needed. Has anyone really considered the stress that this puts on the employees? You know, the ones that this standard is supposed to protect. Mask wearing makes communication with others very difficult. It also affects the mood and mental state of employees. Masks make other tasks unsafe due to fogging of glasses, limitations on vision and other factors. Several parts of this standard rely on employees doing the right thing. Employees that can't afford to be off are not going to answer their screening questions honestly. Many employees will not wash their face coverings as prescribed. Are we to believe that everyone is sanitizing and washing appropriately? So no one will ever be in a hurry and forget? The standard implies that the employer is responsible for any exposure that an employee receives to include exposures during their personal time. Most of those exposures do occur when an employee is not at work. It is ridiculous for an employer to have to bend over backwards to prevent virus exposures when an employee can leave work and go to a restaurant, a rally, a sporting event, a party, etc. and all the protecting that employer did has just been wiped away. This standard gives the exemption for education institutions yet they are some of the biggest offenders for enforcing the protections. This was where the board caved to the governor's desires. The ETS was not well thought out. There was no opportunity for stakeholders to give proper feedback. There is no data to support the need for this to be permanent. The ETS needs to be allowed to expire giving employers the ability to adapt to current guidelines for employee protections. Vote no to making the ETS permanent.	9/25/20 10:38 am CommentID:86122
Elaine Bowling	Proposed mandatory mask legislation	STRONGLY OPPOSED. For a 99.96% recovery rate government is considering this dark behavior modification to disarm and hypnotize citizens into robotic submission. Just stop now.	9/25/20 10:39 am CommentID:86123
Elaine Bowling	STRONGLY OPPOSED- no mandatory mask legislation!!	STRONGLY OPPOSED. For a 99.96% recovery rate government is considering this dark behavior modification to disarm and hypnotize citizens into robotic submission. Just stop now.	9/25/20 10:40 am CommentID:86124
M. Leon	Strongly OPPOSE - more considerations and research needed	1) More research must be done to show long-term effects of wearing the various types of masks for prolonged periods of time (ex: 8-hour work shift). 2) More research and information must be dispensed on how each type of masks work and which should be worn when you do have COVID-19 and when you don't have COVID-19. 3) Exceptions must be considered for mental health and physical health reasons such as asthma, and clearly stated in any type of executive order.	9/25/20 10:42 am CommentID:86126
Brian Gingrich	STRONGLY OPPOSE	I am strongly opposed to a standard regulation for two reasons: 1. There is not enough data on covid-19 to establish accurate regulations. As more information is learned and treatments are developed, any standards would need to be constantly revised to keep up with the latest information. This could potentially force businesses both large and small to spend valuable resources on an ever-changing program. 2. We cannot possibly have one standard that would be suited to every size and type of business out there. A standard regulation could force business to adopt practices that are neither helpful to nor practical for their safe operation. We need to continue to let business decide for themselves how they can best defend themselves against the spread of the virus.	9/25/20 10:44 am CommentID:86127
Jen Arcidicono	Please make worker protections permanent	Workers should not have to sacrifice their health and safety to earn a living, especially during an ongoing global pandemic. Thank you.	9/25/20 10:44 am CommentID:86128
Tim Meyer Rinker Materials	Strongly oppose Adopting a Permanent Standard	As a Critical part of the Construction Industry we worked 41/2 months under CDC and Osha guidelines before the Emergency Temporary Standard became effective on July 27th 2020. During these months we implemented critical safety measures to ensure the health and safety of our employees. The federal guidelines were working and additional regulations were duplicative and unnecessary.	9/25/20 10:45 am CommentID:86129
Mike Lowry	Workplace Safety Emergency Standard	Is a small business owner I'm opposed to making the COVID-19 Workplace Safety Standard permanent. We always put employees safety first and do not feel it necessary to make this standard permanent at this time. My employees and I feel this pandemic will be temporary and making the standard permanent takes away the hope people have that things will get better.	9/25/20 10:46 am CommentID:86132
Laurie Riddle	STRONGLY OPPOSE PERMANENT MASK MANDATE	I STRONGLY OPPOSE ANY ATTEMPT TO PERMANENTLY MANDATE THE WEARING OF FACIAL MASKS. The Governor needs to step back and allow us to make our own health decisions.	9/25/20 10:47 am CommentID:86133
Carol Moneypenny	Temporary COVID-19 Regulations Becoming Permanent	**STRONGLY OPPOSED** TO THIS BECOMING PERMANENT. YOU ARE TRYING TO KILL THE BUSINESSES IN VIRGINIA SO THAT THEY HAVE TO RELY ON THE GOVERNMENT FOR MONEY AND THAT'S NOT HOW IT SHOULD BE. **THIS IS WRONG**. DO NOT MAKE THESE COVID-19 REGULATIONS PERMANENT.	9/25/20 10:47 am CommentID:86134
Tammy Hill	STRONGLY OPPOSE!	STRONGLY OPPOSE!	9/25/20 10:58 am CommentID:86141
Penny Bogert	Temporary COVId 19 regulations becoming permanent	My husband and I strongly OPPOSE making COVID 19 regulations permanent. We believe we should take it day by day and not make a permanent decision concerning COVID 19 regulations that may not be necessary in the future. Seems like an over reaction., pushing a specific agenda. Why? Leave it TEMPORARY. As long as these temporary guidelines are in effect, in a sense it is permanent (for now) anyway.	9/25/20 11:01 am CommentID:86143
Carl Braun	STRONGLY OPPOSE	I Strongly Oppose making the mandate permanent. This is an overreach of power and against our constitutional freedom.	9/25/20 11:03 am CommentID:86144

David Johnson, DuPont	DuPont - Opposition to Permanent Standard for Infectious Disease Prevention re SARS-CoV-2	TO: Safety and Health Codes Board / c/o Jay Winthrow
		
		FR: DuPont / Spruance / Richmond, Virginia / David Johnson, Plant Manager
		
		Thank you for the opportunity to comment on the Virginia Department of Labor and Industry's Safety and Health Codes Board Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16 VAC24-220 (collectively, the "Regulations"). These comments are provided on behalf of DuPont.
		
		DuPont has maintained a manufacturing presence in Virginia for over 90 years. Our three manufacturing locations in Virginia employ over 2000 employees and contractors. In addition, our Tyvek® protective apparel and our Dupont Teijin Films Melinex® film have played a critical role in protecting the front line essential workers in battling this pandemic.
		
		Safety and Health is a core value at DuPont. Keeping the workplace safe, which has always been a cornerstone of our operation, has taken on new meaning during the past six months. The need to take extra precautions to protect the safety and health of our employees in the workplace as we continue to operate essential businesses is a value we share. While we appreciate and support critical measures which must be enacted to guard the health and safety of our employees, their families, co-workers and the communities in which they live, we believe the Regulations as drafted create concerns for many employers.
		
		We respectfully submit the comments below addressing our specific concerns of the proposed Regulations:
		
		• **Ventilation requirements**
		  ◦ **Section 60.B.1.b** Requiring "Low" and "Medium" risk facilities to maintain HVAC systems in accordance with manufacturers' instructions does not address the potential hazard (if any) as it relates to ventilation.
		  ◦ The language does not account for older facilities, as upgrading the ventilation in those facilities may be infeasible.
		  ◦ **Recommended changes:** ASHRAE standards 62.1, 62.2 and 170 should be struck entirely and the Board adopt the CDC guidelines to adequately address the issue.
		  ▪ Increase ventilation rates.
		  ▪ Ensure ventilation systems operate properly and provide acceptable indoor air quality for the current occupancy level for each space.
		  ▪ Increase outdoor air ventilation, using caution in highly polluted areas.
		  ▪ Disable demand controlled ventilation (DCV).
		  ▪ Further open minimum outdoor air dampers (as high as 100%) to reduce or elimination recirculation. Provide for flexibility to accommodate thermal comfort or humidity needs in cold or hot weather.
		  ▪ Improve central air filtration to the MERV-13 or the highest compatible with the filter rack and seal edges of the filter to limit bypass.
		  ▪ Check filters to ensure they are within service life and appropriately installed.
		  ▪ Keep systems funning longer hours, 24/7 if possible, to enhance air exchanges in the building space.
		
		• **Suspected cases of COVID-19 – Symptoms**
			9/25/20 11:03 am CommentID:86145

		• **Section 30, "Symptomatic" definition** – This definition includes a broad array of symptoms – "fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea." ▪ This includes just about every illness. It's overly broad given that the employer must act if a worker is exhibiting these symptoms. ▪ Data regarding the incubation period is still uncertain. ▪ The symptoms listed are not uniformly listed in all CDC, OSHA and VDH guidance documents. • **Section 40.A.4** – The employer must treat any such person exhibiting these symptoms as being "suspected COVID-19" case. • **Section 40.5** – The employer shall not allow any suspected case to report to work or be allowed to remain at work. • **Section 40.C** –A suspected case cannot return until 3 days since last symptom and 10 days since first symptom. So, someone that exhibits muscle aches after a long day must "sit" for almost 14 days? Or someone with a running nose? This is overly broad. • **Recommended change:** Narrow the symptoms that trigger a "Suspected case" to the CDC list to avoid abuse. Include a provision that would allow the employee to return to work upon if an initial COVID-19 test is negative. • **PPE and no credit for the use of face coverings** • **Section 30, "PPE" definition** includes surgical masks but not face coverings. • **Section 40.H** – The draft states ". . . employers shall ensure compliance with respiratory protection and personal protective equipment standards applicable to its ***industry***. " ▪ First, there are no industry standards on this. So essentially, it will be up to OSHA's discretion whether someone should have worn a surgical mask or respirator instead of allowing the person to wear a face covering. ▪ Second, the supply of PPE continues to ebb and flow, and this regulation will be in place for an undetermined period of time but at a minimum for the duration of the pandemic. That could be a problem if the supply of surgical masks contracts again. ▪ Finally, if employers are required to outfit workers in PPE instead of requiring face coverings simply because they are in 6 feet of another person, and the supply of surgical masks continues to be strained, employers will have to issue respirators to employers and fit test those employees. The availability of fit testing is currently strained as well, so much so that many providers discontinued this vital service during the pandemic. The agency is surely not suggesting that workers be provided and instructed to wear respirators without being properly fit tested. ▪ **Recommended Change**: Allow the use of face coverings and surgical masks for work within six feet of others. • **Section 40.F –** Again, the draft requires an ". . . employer shall ensure compliance with respiratory protection and person protective equipment standards applicable to its industry" when multiple people occupy a vehicle is both impractical and vague and inconsistent with the CDC guidance for rideshares and other public vehicles. (https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/using-transportation.html.) • **Recommended change:** When multiple employees are occupying a vehicle for work purposes, the employer shall ensure all occupants wear a face covering, allow fresh air ventilation (i.e., open window) and limit occupancy to improve social distancing. If the employer cannot perform these tasks, the employer shall ensure compliance with respiratory protection and personal protective equipment standards applicable to the employer's industry. • **Cleaning common spaces** • The requirement that ". . . common spaces . . . [be] cleaned and disinfected at the end of each shift" is impractical for 24/7 operations with multiple and overlapping shifts as mandated Section 60.C.1.d. (staggered shifts). To enact this provision as written would require constant cleaning and disinfecting around the clock. • **Recommended change:** Allow employers to clean periodically based upon usage of the common area, not to be less than once every 12 hours. Your time and consideration of the above stated proposals are appreciated. - END -	
Ruth Summers	Oppose Emergency Mandates Becoming Permanent	I strongly oppose these mandates as currently written becoming permanent. I believe this is overreaching and some of these will cause undue hardship on the citizens and especially small business in Virginia.	9/25/20 11:08 am CommentID:86147
Anonymous	Stongly OPPOSE!!!	Strongly OPPOSE to this insane legislation - would like my freedom back please!!!!	9/25/20 11:09 am CommentID:86148
Tari Foltz	Strongly oppose!!!!!!	Strongly oppose!!!!!!	9/25/20 11:10 am CommentID:86149
Neiman C. Young	In Opposition to the Permanency of the DOLI Emergency Standards	On behalf of the King George County Board of Supervisors, I would like to register our opposition to establishing the DOLI emergency standards in response to COVID-19 as permanent policy for local governments and small businesses. The Board's attempt to establish these emergency orders as permanent policy undermines the Commonwealth's legislative process and illegally affords a regulatory agency the ability to step outside of their authority (or lack thereof) to craft statutory policy. This is a dangerous precedence that degrades transparency and erases the elected representation of our citizens who will be affected by said policies. In addition, the DOLI standards create an awesome burden on local business. We understand that we must sometimes compromise convenience for the sake of public health. However, this new initiative is an attempt by DOLI to burden us all well beyond the eventual dissolution of the current state of emergency. We ask that you reconsider this egregious approach to managing policy. Rather, we ask that you pursue an appropriate approach to the DOLI standards by affording the General Assembly, the Senate, and subsequently the general public, the opportunity to have a voice in the guidelines that will affect us all. Respectfully, **NEIMAN C. YOUNG, PhD** County Administrator King George County 10459 Courthouse Drive, Suite 200 King George, VA 22485 540.775.9181 nyoung@co.kinggeorge.state.va.us	9/25/20 11:11 am CommentID:86151
Virginia Retail Federation	Strongly Oppose Permanent Standard	September 25, 2020 **Submitted Electronically** Jay Withrow, Director Division of Legal Support, ORA, OPPPI, and OWP Virginia Department of Labor and Industry 600 E. Main Street, Suite 207 Richmond, VA 23219 jay.withrow@doli.virginia.gov RE: Comments of the Virginia Retail Federation VA Department of Labor and Industry, Safety and Health Codes Board Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220 To Whom It May Concern: Thank you for the opportunity to comment on the Virginia Department of Labor and Industry's announced intent to Adopt a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220. We are commenting on behalf of Virginia Retail Federation. Virginia Retail Federation is the statewide retail association advocating on behalf of retailers large and small across the Commonwealth. Our members will be directly impacted by the attempt to implement one-size-fits-all COVID-19 Regulations on businesses throughout Virginia. Virginia's retail businesses need certainty and consistency in any regulatory program. This ensures that the regulated community understands the requirements of the program, and that all parties can work together to satisfy the regulatory requirements. **Our Members oppose the adoption of a Permanent Standard by The Virginia Safety and Health Codes Board.** We assert that adopting 16VAC25-220 as permanent regulations is overly burdensome, unnecessary, and violates existing law. The science of COVID-19 is continuously being updated. Therefore, the CDC and OSHA guidelines are frequently updated to reflect this. If the Emergency Temporary Standard were to become permanent, it would continue to require businesses to comply with outdated regulations. This is not the time to impose a permanent standard. The ETS has only just become fully implemented on the day that these public comments are due (September 25, 2020), so retailers have not had sufficient time and opportunity to voice the challenges of implementation of the ETS. In addition, there has not been evaluation of the ETS by DOLI analyzing how many businesses are out of compliance because of the failure to notify impacted businesses. **If the Board believes it should move forward with a Permanent Standard, it must include these important provisions:** 1. The sunset clause from the ETS into the Permanent Standard – meaning the Regulations would expire with the Governor's State of Emergency 2. The specific changes the Virginia Business Coalition recommend in their submitted comments. These changes ensure the implementation and enforcement of the standard is reasonable, fair, and attainable. 3. Here are several priorities of Virginia Retail Federation. a. Amend § 10G to the agency's original language with clarification on providing "safe harbor" for employers who follow CDC and OSHA guidance. We believe that, as currently written, it is unclear who determines which version of CDC guidance an employer may reference for purposes of compliance. b. Eliminate requirements for physical separation of employees at low and medium risk businesses by a permanent, solid floor to ceiling wall. Higher risk businesses have more flexibility to use smaller temporary barriers like Plexiglas sneeze guards. c. Eliminate all human resource policies from the Regulations such sick leave, telework, flexible worksites, flexible work hours, flexible meeting and travel, the delivery of services or the delivery of products. These policies exceed the Board's authority as it relates to workplace hazards. d. Amend common space sanitation requirements. Requiring common spaces to be cleaned and disinfected at the end of each shift is impractical for 24/7 operations with multiple and overlapping shifts. The Regulations should be amended to provide for a time-based alternative such as every 8, 12, or 24 hours exempting FDA regulated facilities. e. Eliminate HVAC requirements for medium risk businesses ***(16VAC25-220-60(B))***. Requiring retroactive compliance with a 2019 ASHRAE HVAC standard is premature at best. Any permanent regulations should follow existing processes contained in the Virginia Uniform Statewide Building Code (USBC) which utilize appropriate industry investigation and recommendations. f. Eliminate the requirement that medium risk employers should complete a COVID-19 infections disease preparedness and response plan. This mandate is overly burdensome and not necessary at this risk level. g. Increase the amount of time employers must train their employees. The current timetable is unachievable. The ETS should be amended to provide employers another sixty (60) days to comply. h. Eliminate language protecting employees who report to news media or social media ***(16VAC25-220-90)***. Whistleblower protection is intended to protect employee complaints to the responsible government regulatory agency. i. Revise requirements related to transportation of employees who travel in the same vehicle. This standard is impractical and vague. In addition, Virginia Retail Federation requests that the Virginia Safety and Health Codes Board issue an additional sixty (60) day comment period on 16VAC25-220 requesting that employers provide recommended improvements to the Emergency Temporary Standard for consideration by the Board.	9/25/20 11:14 am CommentID:86152

		We strongly urge the Board not to approve any amendments to the Regulations that would incorporate other infectious diseases. There is no one-size-fits-all plan to combat a wide variety of infectious illnesses. As previously stated, we believe it is extremely unreasonable to apply one-size-fits-all COVID-19 Regulations to all employers across the Commonwealth. We recommend that the Board reject the regulations, establish a new sixty day public comment period for a revised ETS or abandon the ETS completely and rely upon the General Duty Clause and Federal, State and Industry guidance to protect workers as is been effectively done in the overwhelming majority of other States. Sincerely, Jodi Roth Virginia Retail Federation jroth@virginiaretailfederation.com Kate Baker Virginia Retail Federation kbaker@virginiaretailfederation.com	
Jessica Powell	No mask mandate	I am opposing this mask mandate. No thank you. Jesus is the way the truth and the life. I will follow Him all the daysbof my life . God bless you and direct your decisions governor.	9/25/20 11:15 am CommentID:86154
Gail Tabor	STRONGLY OPPOSE!!	Mask are extremely unhealthy. Only those that choose to wear them should do so.	9/25/20 11:15 am CommentID:86155
Cynthia Smith	No to Mandatory masks!	Please do not pass legislation for permanent masks to prevent Co-vid transmission. This will only shut us down more economically. A vaccine will be available this year and masks are to not prevent infections. It may slow it down, but this should be punitive for Virginia's businesses. If you wNt to do something to help economy, shut down the violent protests that are masked as "freedom of expression".	9/25/20 11:17 am CommentID:86156
Mary	Strongly opopose government power grab! NO to mandatory masks!	NO to mandatory masks!	9/25/20 11:19 am CommentID:86157
Martina Langton	No mask mandate	Please leave decisions up to individuals and businesses and do not impose mandates.	9/25/20 11:19 am CommentID:86158
Stephen	Virus regulations	Strongly oppose any permanent regulations or requirements. My business with over 150 employees has been open throughout the pandemic and have only had two positive tests and no cross contamination from the affected employees.	9/25/20 11:21 am CommentID:86159
Chase	No.	No.	9/25/20 11:22 am CommentID:86161
CDS Tractor Trailer Training	No need to Over Regulate	As a small, essential business, we quickly implemented the CDC guidelines and have not experienced a virus outbreak. Students and staff are self-quarantining if they have been in contact with a positive Covid person. The implementation of the guidelines added extra expenses for CDS to bear. Adding more regulation would be difficult to maintain and is not not necessary based on the practices we have in place. We take protecting our students and staff seriously and do not feel making additional, permanent regulations is necessary, especially since there is hope for a vaccine in the near future. We feel this is government overreach.	9/25/20 11:23 am CommentID:86162
Craig A Tabor	STRONGLY OPPOSE Mask Mandate	I strongly oppose the Virginia Governor and legislator's attempt to impose a permanent mask mandate. This is a clear violation of my constitutional rights which take precedent over any mandates imposed by the Virginia government.	9/25/20 11:24 am CommentID:86163
Katrina	Strongly oppose!!!!	We do not have enough research on the permanent impact that wearing a mask all the time has. This sets up a situation for harassment for people who can not wear a mask for medical reasons. Please vote "NO" to this stripping of a freedom to breath freely!	9/25/20 11:25 am CommentID:86164
Troy Dow	Opposed to any Permanent Standard	As an employer of over 350 employees in the commonwealth of Virginia I am opposed to making this temporary standard permanent. I believe that the temporary standard added little or no additional protection to our employees. The move to make this measure permanent will continue to place an unfair burden on Virginia employers, and provide no additional protection to employees. This is another overreach from this administration into the private sector under the guise of public safety. The pandemic has been devastating on the business community and these type of burdensome regulations just add to an already bad situation. I urge you to vote no on making this permanent, and let the business community continue to do the right things for our employees and provide them with a safe workplace. Regards,	9/25/20 11:25 am CommentID:86165
Jay Langton	Strongly Oppose	It is not right for any government in thenl USA...Local, State or Federal to imposenon the freedom of life, liberty, or the pursuit of happiness. This suggested law infringes on our basic rights as citizens!	9/25/20 11:30 am CommentID:86168
Chris Neikirk	Oppose making temporary COVID-19 Restrictions Permanent at this time	I am a small business owner in Virginia who opposes making the COVID-19 Workplace Safety Emergency Standard permanent. Six months into the pandemic, I have learned to adapt to this unprecedented time by implementing safety protocols from a number of federal and state entities to ensure physical distancing and extensive sanitization. I want to keep my employees and customers safe because I care about their welfare. Now is not the time to make the emergency temporary standard permanent when it's likely this pandemic will be temporary. Imposing "one size fits all" COVID-19 regulations on all employers is unreasonable especially when guidance is continually changing as we learn more about the virus. The Board needs to take the time to see what challenges employers are facing implementing the emergency regulations before taking any further action. My company takes its responsibility for protecting its employees seriously. Making the COVID-19 emergency regulations permanent will only make a difficult situation worse for employers and employees. I remain concerned about the impact many of the provisions of the emergency regulations are having on my business and encourage the Board to not make them permanent.	9/25/20 11:30 am CommentID:86169
Jenifer	MANDATORY MASKS=TYRANNY!	I vehemently oppose the Virginia Governor and legislator's attempt to impose a permanent mask mandate. This is a clear, direct violation of my constitutional rights which is without precedent and an egregious, tyrannical overreach!	9/25/20 11:30 am CommentID:86170
Zack Shiffer	NO to making COVID-19 regulations a permanent standard	I strongly oppose making the temporary COVID-19 regulations for business a permanent standard. This adds additional costs to a business that quite frankly may not be able to afford it. We do care about our employees and support good hygiene, but this is going way overboard. We sanitize our business at regular intervals, which is good practice anyway. But for the government to come out with a list of COVID-19 requirements that will become standard even after COVID has gone away is excessive.	9/25/20 11:31 am CommentID:86171
Valerie Gibson	Strongly Oppose Permanent Mandates	These mandates should, at most, be a temporary measure only, and I strongly oppose making them permanent so prematurely. The mask portion, especially, is unhealthy long-term and should be optional for those who are at higher risk. Additionally, novel viruses that make an appearance once every 100 years should not be used as an opportunity for imposing additional (overreaching) government control and taking away the basic rights of citizens. I would also expect our government to be vigilant in ensuring overall and long-term public safety by exploring the health effects of these mandates through the collection of additional, long-term data from multiple credible studies on the true effectiveness and long-term effects of these measures (particularly continual of masks and over-sanitization with poisonous, harmful chemicals) before making a permanent decision for its citizens.	9/25/20 11:31 am CommentID:86173
Susan Clark, member Peace Lutheran Church	Strongly support permanent standard for workplace safety	As more research is conducted, we learn that COVID-19 is not easily eliminated. Trends for the winter do not look good. I strongly support permanent standards to ensure workplace safety. Our economy can only benefit if workers are healthy and are not afraid to go to work because of the virus. Employers appreciate permanence to guide their actions. It is expensive to plan and have to change again. Permanent standards are the way to move forward.	9/25/20 11:35 am CommentID:86176
Faith Wagner	Strongly oppose Intent to Permanently Wear Masks	Strongly oppose!	9/25/20 11:37 am CommentID:86178
Mary Barhydt	Strongly Support	The workers we depend on to provide out food, staff our restaurants and butcher our meat need to be protected. Our employers need clear standards in order to protect their employees efficiently. Please make Virginia's ETS a permanent protection by enacting it into law.	9/25/20 11:38 am CommentID:86180
Betty Groth, Pinnacle Construction and Development Corp	Strongly Oppose the Standard	**Strongly Oppose the Standard** Dear Safety and Health Codes Board Members, On behalf of Pinnacle Construction and Development Corporation, I urge you to **oppose the adoption of a Permanent Standard for SARS-CoV-2**, which will make permanent the current temporary standards. **A brief summary of concerns:** 1. **It's confusing:** the standard conflicts with federal and state regulations and ever-changing guidance and recommendations. Language is vague. 2. **It's burdensome:** review, response, training and implementation of the standard imposes a substantial cost in time and money for the Virginia companies who have been able to remain in business. 3. **It's unnecessary:** a *permanent* standard for a *temporary* health situation simply doesn't make sense. 4. **It's obsolete and inflexible:** the temporary standard was obsolete upon issuance. The permanent standard is similarly inflexible and doesn't take in to account the updated scientific findings and recommendations. As an essential business with ongoing construction projects including affordable housing and assisted living facilities, we implemented our initial action and response plan in early April. This plan, and related safety protocols based on current state and federal requirements has helped protect our team members and our workplace. We do not believe in permanently imposing constrictive emergency standards. We have and will continue to adapt to workplace safety protocols including masks, social distancing and specific sanitization and disinfecting practices to keep our teams safe and working.	9/25/20 11:38 am CommentID:86181
Christopher Taggart, Atlantic Bulk Carrier	Emergency Infectious Disease Regulations	These temporary regulations from the Department of Labor are capricious, burdensome and, quite possibly, run afoul of existing regulations on privacy. As an essential service, trucking has continued throughout the current pandemic to provide needed goods and services to sustain the population and the economy. Trucking has been able to do this by making commonsense adjustments to its operations, both on the road and within its shops and offices necessary to continue daily operations. Men and women within the trucking industry have spent countless hours poring over guidelines and recommendations for medical and industry experts to draft continuation plans that work best for their operations and provide the most practical level of safeguards for their employees.	9/25/20 11:39 am CommentID:86183
Evelyn Guess	Opposition to mandatory masks	This is government overreach and a backdoor method to legislate this. You certainly have kept this quiet with the help of the media.	9/25/20 11:40 am CommentID:86185
Libby Shiffer	Strongly oppose	I am writing today to voice my strong opposition to making the COVID-19 Workplace Safety Emergency Standard permanent. We do not know that the pandemic is going to be permanent, so it does not make sense to put in place permanent requirements related to the pandemic. Also, the regulations do not take in to consideration that different businesses need to function differently. I believe business owners are competent to take care of their employees and customers and do not need yet more regulations thrown on them.	9/25/20 11:41 am CommentID:86186
Donna Falls	Strongly Oppose	No way! This is a terrible idea.	9/25/20 11:43 am CommentID:86187
James Bethany	Permanent Mask Mandate? Ridiculous and unconstitutional. Strongly opposed.	The serious overreach of government has got to come to an end. The use of a temporary crisis to try to use "emergency powers" designed to safeguard public health with a mandate which institutionalizes permanent changes which abridge or remove our constitutional rights is despicable. We now know the real "science" regarding Covid-19 does not support such an action, even on a temporary basis, much less a permanent one.	9/25/20 11:44 am CommentID:86188
Andre Fredette	STRONGLY OPPOSE	Mandatory mask rules violate individual rights and freedom of the citizenry to choose how they wish to act in protecting themselves. We do NOT NEED new laws further encumbering citizens. People should be free to wear masks if they want, but it should absolutely not be a requirement let alone a criminal charge for not wearing one. Secondarily, there is very little scientific evidence supporting the efficacy of masks against COVID-19 and there is substantial evidence showing sustained mask wearing has negative health effects which clearly outweigh any mild benefit in COVID-19 mitigation. DO NOT violate the individual's right to make their own health decisions by making masks mandatory.	9/25/20 11:46 am CommentID:86189
Bryan Dunn	Hell No! Strongly Opposed	Mandatory masking of a free people is an attempt to force submission and pander to cowards. You wannabe tyrants have far exceeded any legitimate authority. Stop living in fear and panic.	9/25/20 11:48 am CommentID:86190
Samuel Parker	Permanent Covid 19 Polciy	I am a small business owner in Virginia who opposes the Covid 19 Emergency Policy on a permanent basis. Our office took measures to control the virus by working from home, using face masks, and hand sanitizer.	9/25/20 11:48 am CommentID:86191

		Thanks, Jason Parker	
Rosemary Baggott	Public Mandates	STRONGLY OPPOSE MANDATORY WEARING OF MASKS IN PUBLIC. UNCONSTITUTIONAL AND UNNECESSARY.	9/25/20 11:49 am CommentID:86192
Anonymous	No to compulsory mask wearing	NO to compulsory mask wearing	9/25/20 11:52 am CommentID:86193
Laura Bouchard	OPPOSE Mask Mandate	OPPOSE! I oppose the Governor and legislators' attempt to make masks mandatory in Virginia. This is in violation of my constitutional rights and the rights of ALL VIRGINIANS. Give us back our state!	9/25/20 11:54 am CommentID:86194
Ric Richardson	Strongly Oppose	I am strongly opposed to the rush through of this standard. There is too much impact on the workers involved in this issue to rush to publish the standard. There needs to be more research and data to support the changes you are trying to implement. Covid has been a moving target from the beginning with still, 7 months later, no clear understanding of the virus or its mutations. The scientist can't even agree on their conclusions. We shouldn't implement a permanent standard until science has a better understanding.	9/25/20 11:59 am CommentID:86197
Shelomith Gonzalez / R. E. Lee Companies, INc.	Oppose Permanent Standard	Dear Safety and Health Codes Board Members: On behalf of R. E. Lee Companies, Inc. , we urge you to oppose the adoption of Permanent Safety Standard for Infectious Disease Prevention: SARS-CoV-2 / 16VAC25-220, which will make permanent the current temporary standards for employers in an effort to control, prevent, and mitigate the spread of SARS-CoV-2. In the wake of a global pandemic, America's construction industry was deemed essential. Hundreds of Virginia construction companies have remained open and operating throughout 2020. The ability to continue work was in large part due to the sophistication of the men and women who swiftly adapted to new safety measures to protect employees and their families. R. E. Lee Companies, Inc. has spent money beyond their budget and has invested countless hours to keep employees safe. This has included implementing temperature checks, enforcing social distancing, abiding the stay-at-home and return-to-work orders, posting signage, adding sanitary stations, rewriting daily safety procedures, adjusting work schedules and manpower and more. REL has also complied with all government mandates regarding this pandemic. We have also worked closely with state epidemiologists to be informed on best practices to prevent the spread of SASRS-CoV-2 on site. The current Emergency Temporary Standards require a one-size-fits-all approach for businesses across the state to implement procedures to prevent the spread of SARS-CoV-2. Therefore, we have many concerns with making these standards permanent and respectfully ask you vote to oppose the adoption of the Permanent Safety Standard for these reasons: 1. Creates confusion because of conflicting federal and state regulations Virginia employers have access to guidance and resources from the CDC, VHD, and OSHA to help slow the spread of COVID-19. Certain additional requirements in the proposed permanent standards - particularly the return to work criteria - contradict the other guidance and recommendations. The contradicting guidance becomes even more convoluted in cases where Virginia-based companies have worksites in multiple states. To reduce confusion when deciding which requirements to follow, companies should be able to utilize current nation-wide guidance. This creates a consistent and clear message for all employers to convey through company instituted policies. 2. Enforces premature mandates for an unprecedented event when data and health recommendations continue to evolve Guidance from the CDC and VHD continues to evolve as evidenced by the recent revisions to recovery/return to work guidelines. By adopting these proposed permanent standards, it saddles Virginia's employers with a standard that may not reflect the latest breakthroughs on the virus. Employers should instead be encouraged to follow the latest CDC guidelines without the need to interpret a permanent standard that could potentially be outdated the moment it is published. This creates hazardous risks for employers and their employees. 3. Increases liability risk due to vague language and unclear threshold for implementation While companies make their best effort to comply with guidance or required standards, they still cannot control what employees do after hours during the largest exposure risk. These proposed permanent standards place undue responsibility and liability on employers for actions outside of normal business hours. Furthermore, adopting a permanent standard for such a specific virus is a dangerous precedent. There is a high probability that this virus will soon be manageable and even preventable. Adopting a permanent standard implies that mandates, including face coverings, social distancing, common area closures, daily pre-screenings, and more will still be required after an available vaccine or more controlled scenario of the virus is in place. A permanent standard on a non-permanent pandemic is an unnecessary model. 4. Fosters a distracted and diluted focus on other core safety precautions The complex requirements of the proposed permanent standard are taking focus away from traditional and serious safety risks. These standards are a one-size-fits-all, causing employers to spend an inordinate amount of time interpreting and implementing new procedures. The quest to stay compliant will keep companies from getting fined or shut down, but it comes at the cost of not being able to focus on ongoing core safety risks. R. E. Lee Companies values the safety and health of all our employees, and we continue to take proactive measures every day to ensure everyone makes it home safely to their families. We monitor closely the risk and pivot quickly to meet new needs. Providing us the flexibility to adopt safety and health policies and procedures that fit each individual situation is the best way to ensure the safety of Virginia's workers. Creating a permanent standard for a temporary crisis will not make Virginia's workers safer and will harm business in the process. Thank you in advance for considering this response. Sincerely, Shelomith Gonzalez Safety Manager	9/25/20 12:02 pm CommentID:86200
Ric Richardson	"Respirator" in vehicle language	Page 20, Section E references "respiratory Protection" in vehicles. With distracted driving being such a prevalent topic in society, adding an respirator to a driver is such a bad idea. We already know that people spend a lot of time fidgeting with face coverings of any type which would add another distraction. Also, we have seen how face coverings or respirators are causing fogging of prescription glasses as well as safety glasses. No one that I am aware of has found the magic solution to stopping this fogging. Requiring a driver who is also required to wear glasses to drive to wear a face covering of any type creates a greater danger due to fogged glasses. Please consider removing or modifying this section if you push this forward.	9/25/20 12:07 pm CommentID:86201
No!! Sam Stewart	Covid-19 maNDATES	I agree with our Federal Attorney General that all the mandates related to the covid-19 pandemic are the biggest infringement on our civil liberties since slavery. The government mandate effects have been worse than the effects of the disease. Give us our liberty back. Give us common sense guidelines and get out of the way. The statistics show a positive test result does not mean death.	9/25/20 12:07 pm CommentID:86202
Anonymous	COVID Emergency regulations	*I am a business owner in Virginia, and I oppose making the COVID-19 Workplace Safety Emergency Standard permanent.* *Six months into the pandemic, I have learned to adapt to this unprecedented time by implementing industry-specific guidance from the Governor, the Virginia Health Department, the CDC, and OSHA to ensure physical distancing and extensive sanitization. I want to keep my employees safe because I care about their welfare.* *Now is not the time to make the emergency temporary standard permanent when it's likely this pandemic will be temporary. Imposing "one size fits all" COVID-19 regulations on all employers and employees is unreasonable especially when guidance is continually changing as we learn more about the virus and how best to protect against it's spread. Knowing the temporary standard expires in February 2021, there is plenty of time for the Board to wait until we know more about how long the pandemic could last before taking any further action.* *My company takes its responsibility for protecting our employees seriously. Making the COVID-19 emergency regulations permanent will only make a difficult situation worse for employers and employees. I remain concerned about the impact many of the provisions of the emergency regulations are having on my business and encourage the Board to not make them permanent.* Respectfully, Rich K	9/25/20 12:10 pm CommentID:86203
Joe Szakos	Please protect essential workers	Virginia was the first state in the country to pass comprehensive safety rules for employers. Our workers are important and we need to make sure they are protected as they do their jobs. Let's not take any shortcuts. Please make these safety rules PERMANENT. Thank you for the opportunity to comment.	9/25/20 12:11 pm CommentID:86204
HCA Virginia Health System	Opposed to Adoption of Permanent Standard for Infectious Disease Prevention:	HCA Virginia Health System opposes the adoption of a permanent standard for I*nfectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VACC25-220*. We support instead, a sunset of the current temporary standard at the end of the Governor's state of emergency for COVID-19. However, should the Commonwealth move to adopt the standards as permanent, the language should be amended to exclude hospitals and health care providers who already go to extraordinary lengths for infection control due to the stringent standards for our patient and staff care. Or, at a minimum, the original language should be amended to provide a "safe harbor" for hospital and health care providers who follow CDC guidance as the sole standard. As such, we believe that the phrase *"and provided that the CDC recommendation provides equivalent or greater protection than provided by a provision of this standard"* should be deleted. Finally, we are also in support of the comments offered by the Virginia Hospital and Healthcare Association submitted during this comment period.	9/25/20 12:17 pm CommentID:86207
Rebecca Sanchez	OPPOSE Mask Mandate	Stongly oppose any legislation for permanent mask wearing in Va. STRONGLY OPPOSE IMPOSING ON PERSONAL FREEDOM IN THIS MANNER.	9/25/20 12:17 pm CommentID:86208
Maggie	no madatory mask or vaccines	It is against an individuals own personal constitution and the Countrys Constitution to require mandatory masks or vaccines and you know full well it isn't about health and safety and never has or will be about health and safety. This is all about control and destruction. It is nothing but communism.	9/25/20 12:20 pm CommentID:86209
Leigh Musselman - Branscome, Inc.	STONGLY OPPOSE ADOPTING A PERMANENT PERMANENT STANDARD	I STRONGLY OPPOSE TO AN ADOPTION OF THESE AS A PERMANENT STANDARD FOR WHAT IS A TEMPORARY HEALTH SITUATION. The COVID science 19 is continually updated. In addition, we have implemented critical safety measures to ensure the health of our employees.	9/25/20 12:23 pm CommentID:86210
Thomas J. Nelson Jr.	COVID-19 Workplace Regulations	I am a small business owner here in VA. We've implemented the necessary safety and cleaning protocals for our business based on the greater good of our customers, vendors and employees . Based on the relative unknown and fluid nature of COVID, and the inconsistent, incomplete and erratic medical, scientific and government recommendations. It is FAR TOO PREMATURE to propose, let a lone implement any permanent legislation surrounding COVID-19 regulations in the work place. I remain committed to protecting myself, my employees and our customers, however these steps are premature and excessive. Respectfully, Thomas	9/25/20 12:26 pm CommentID:86211
T. Lowry, Walkabout	Vote against hurting businesses- Vote no to keep Covid rules permanent	Please vote NO against making rules that were supposed to be temporary due to Covid, permanent. Businesses/employers struggle enough and more regulations are expensive to administer. Keep employees employed and choices for employees by not putting businesses out of business. Let businesses work on their business instead of dealing with more government mandates.	9/25/20 12:26 pm CommentID:86212
Deidre W Schilling	Permanent mask for infectious diseases	Strongly opposed!	9/25/20 12:28 pm CommentID:86213
Anonymous	Strongly oppose	I strongly oppose any legislation that would make permanent any mandate to wear masks.	9/25/20 12:29 pm CommentID:86214
Michelle Fatta	Forcing individuals to wear masks is unconstitutional. Punishing businesses creates fear.	Our Country needs to adhere to the US Constitution. Enforcing mandates by using Fear Punishment and Control taactics will never work!! Keeping the public safe means allowing everyone the opportunity to hear the truth about a disease first. Demanding a person to wear a mask for Fear and Control and political motives is wrong. Demanding businesses to comply with unconstitutional mandates is called communism THIS IS NOT REPRESENTING THE TYPE OF GOVERNMENT THAT IS FOR THE PEOPLE AND BY THE PEOPLE!! WE ARE A REPUBLICAN GOVERNMENT!! You are in office because somebody voted for you!! YOU do not have the right to demand people to wear amask!! EVER!	9/25/20 12:30 pm CommentID:86215
Ramona Sanders, Virginia Organizing, Shenandoah Valley	Make Temporary Standards Permanet	We could experience a serious resurgence of the virus during the cold months this fall and winter. Unfortunately,the Coronavirus may be with us for a long time. We need to have strong protections in place to ensure the safety of our workplaces. This is especially important for workplaces in health care and meat and poultry plants where terrible outbreaks have occurred in the past but the threat is real in all workplaces and the standards mandate the necessary safety measures appropriate to the level of risk, whether it is low, medium or high. We need permanent standards to ensure that workers are protected even if doing so costs money or slows production. Workers and their families and communities must not be sacrificed	9/25/20 12:31 pm CommentID:86216

		to profit or any other "imperatives." **The moral imperative is to protect the lives of workers and their loved ones and to do that we need permanent mandatory and enforceable standards. This action could save the lives and health of many precious human beings.** Thank you,	
Michael	Eliminate forced wearing of mask!	It is against our Freedom to mandate wearing of masks. Do not make this mandatory since the masks do not work to reduce the spread of this disease.	9/25/20 12:33 pm CommentID:86218
S Rivera	Covid-19	Managers and or HR fail to notify employees of positive test results in a timely manner. The person may be out a week or so before we are notified that they tested positive. This is one of many reasons we need permanent enforcement of the rule requiring them to do.	9/25/20 12:33 pm CommentID:86219
Darcy Carroll	Opposed to permanent adoption of emergency temporary standard	I am opposed to making the current emergency temporary standard permanent as it is written. There are inconsistencies and will be inconsistencies as more information is learned. There is vague wording which places an undue burden on businesses.	9/25/20 12:33 pm CommentID:86221
James Oyler-GEN	Covid Work place regulations becoming permnanent	I don't think at this time it is appropriate to implement and extend these policies beyond February. We can review them at that time and make appropriate changes/revisions but as we all know things are constantly changing with this as will the policy. We all need to take this seriously but not go overboard!!	9/25/20 12:33 pm CommentID:86222
Christopher Houlihan	Permanent Standards are an unnecessary drag on business	There is no reason to make the temporary standards permanent. These standards may address the issue with COVID, but there is no reason to think that they will be appropriate for other potential infectious diseases in the future. The world functioned fine without these standards before COVID, and it will function fine without these standards after COVID is finally under control. To make these standards permanent would be an unnecessary drag on the economic recovery of our state, and permanent weight around the neck of Virginia business owners.	9/25/20 12:40 pm CommentID:86225
Nicole Riley, National Federation of Independent Business; Virginia	Small Businesses Oppose a Permanent Standard	September 25, 2020 Dear Members of the Virginia Safety and Health Codes Board: On behalf of the Virginia small business members of the National Federation of Independent Business (NFIB), we are submitting the following comments related to your intent to adopt a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220 (otherwise further to as "the Regulations"). Our organization represents approximately 6000 small businesses and 60,000 employees across a broad swath of industries from manufacturing, retail, restaurants, agricultural and forestry companies, healthcare, construction, to professional services. As we enter the 28th week of Virginia's State of Emergency related to containing the spread of COVID-19, Virginia's many small business owners have faced intense stress as their businesses were ordered to close or operate in an extremely limited capacity. The economic turmoil suffered by small businesses during the global pandemic has only somewhat abated as Virginia has gradually reopened. Many small business owners have watched helplessly as their revenue slowed to a trickle or dried up entirely. According to NFIB's monthly Small Business Optimism Index, optimism has dropped and reports of expected better business conditions in the next six months have deteriorated. Owners continue to temper their expectations of future economic conditions as the COVID-19 public health crisis is expected to continue. Despite these challenging times, many small businesses adapted and implemented protocols to protect their employees and customers from exposure to the coronavirus by following the guidance issued from many federal and state government entities including the CDC, OSHA, and the Governor's executive orders. Now Virginia small business owners are doing their best to comply with the Emergency Temporary Standard (ETS). The last thing business owners need as they rebuild their businesses during this critical time is additional one-size-fits-all, static government regulations and red tape. Virginia businesses need certainty and consistency in any regulatory program. This ensures that the regulated community understands the requirements of the program, and that all parties can work together to satisfy the regulatory requirements. Therefore, NFIB requests the Virginia Safety and Health Codes Board rejects a Permanent Standard. Adopting 16VAC25-220 as permanent regulations will be overly burdensome for small businesses. The science of COVID-19 is continuously being updated. Therefore, the CDC and OSHA guidelines are frequently updated to reflect this. If the ETS were to become permanent, it would continue to require small businesses to comply with outdated regulations and would constrain employers from pursuing the adaptable, innovative, data-driven, and effective approach to protecting worker health and safety that is proving crucial during this pandemic. Now is not the time to impose a permanent standard. The ETS will not even be fully implemented until September 25 (the due date for these public comments) so small businesses have had no time to voice the challenges they've encountered implementing the ETS. Nor has there been an effective evaluation of the ETS by DOLI on what impact the Regulations will have on small businesses in accordance with the Small Business Regulatory Flexibility Act/Small Business Regulatory Enforcement Fairness Act (SBREFA). If the Board believes it should move forward with a Permanent Standard, it must include these important provisions: 1. The sunset clause from the ETS into the Permanent Standard so the Regulations will expire with the Governor's State of Emergency 2. The specific recommendations from the Business Coalition to ensure the implementation and enforcement of any Permanent Standard is reasonable, fair, and attainable. Here are several of NFIB's priorities for amendments to any Permanent Standard and you can review all 36 recommendations in the Addendum NFIB is submitting to the Department for inclusion to our comments since they exceed the 3000 word limit. • Amend § 10G to the agency's original language with clarification on providing "safe harbor" for employers who follow CDC and OSHA guidance. It is unclear who determines which version of CDC guidance an employer may reference for purposes of compliance. • Eliminate requirements for physical separation of employees at low and medium risk businesses by a permanent, solid floor to ceiling wall. Higher risk businesses have more flexibility to use smaller temporary barriers like Plexiglas sneeze guards. • Eliminate all human resource policies from the Regulations such sick leave, telework, flexible worksites, flexible work hours, flexible meeting and travel, the delivery of services or the delivery of products. These policies exceed the Board's authority as it relates to workplace hazards. • Amend common space sanitation requirements. Requiring common spaces to be cleaned and disinfected at the end of each shift" is impractical for 24/7 operations with multiple and overlapping shifts. The Regulations should be amended to provide for a time-based alternative such as every 8, 12, or 24 hours exempting FDA regulated facilities. • Eliminate HVAC requirements for medium risk businesses (16VAC25-220-60(B)). Requiring retroactive compliance with a 2019 ASHRAE HVAC standard is premature at best. Any permanent regulations should follow existing processes contained in the Virginia Uniform Statewide Building Code (USBC) which utilize appropriate industry investigation and recommendations. • Eliminate the requirement that medium risk employers should complete a COVID-19 infections disease preparedness and response plan. This mandate is overly burdensome and not necessary at this risk level. • Increase the amount of time employers must train their employees. The current timetable is unachievable. The ETS should be amended to provide employers another sixty (60) days to comply. • Eliminate language protecting employees who report to news media or social media (16VAC25-220-90). Whistleblower protection is intended to protect employee complaints to the responsible government regulatory agency. • Revise requirements related to transportation of employees who travel in the same vehicle. This standard is impractical and vague. Further, NFIB requests the Virginia Safety and Health Codes Board issue an additional sixty (60) day comment period on 16VAC25-220 requesting that employers provide recommended improvements to the Emergency Temporary Standard for consideration by the Board. NFIB strongly asks the Board NOT to approve any amendments to the Regulations that would incorporate other infectious diseases. There is no one-size-fits-all plan to combat a wide variety of infectious illnesses. Conclusion It is unreasonable to impose one-size-fits-all COVID-19 regulations on all employers when they reduce a business' flexibility to quickly alter workplace procedures to remain safe during the ever-changing circumstances of this pandemic especially when each industry has its own needs. By approving a Permanent Standard, the Commonwealth is freezing current scientific understanding into place which is unnecessary and poses more risk for our businesses and workers. It is also profoundly inappropriate to bypass the formal regulation process altogether by attempting to codify guidance and Executive Orders as a reasonable replacement. Further, it is confusing why the Regulations are being pursued when the Emergency Temporary Standard has not been fully implemented and has so many significant problems. Therefore, it is NFIB's recommendation that the Board reject the regulations, establish a new sixty (60) day public comment period for a revised ETS or abandon the ETS entirely and rely upon the General Duty Clause and Federal, State, Industry guidance to protect workers as is being effectively done in 49 other states. While facing devastating economic conditions Virginia's businesses continue to keep the safety and health of their employees as their top priority as they reopen and increase their business operations. We hope the Board will see fit to give Virginia's small businesses an opportunity to rebuild their businesses, restore their customer base and rehire their employees without imposing additional costly regulations. Best Regards, Nicole Riley, Virginia State Director	9/25/20 12:41 pm CommentID:86226
Tricia Eagle	Opposed to Temporary Standard becoming permanent	I am a small business owner in Virginia who opposes making this temporary standard permanent. Way before the ETS was approved (without public comment), we already learned to adapt by implementing protocols from CDC guidelines and and state entities to ensure physical distancing and proper sanitation and protection. I want to keep my employees and customers safe because I care about their welfare. But, I also, cannot control what they do once they leave work in regards to social distancing and protecting themselves. Now is not the time to make this broad and over-reaching emergency temporary standard permanent when this pandemic is likely to be temporary. Imposing "one size fits all" regulations on all employers is unreasonable especially when guidance is frequently and continually changing as we learn about this virus. The board needs to take the time to see what challenges employers face implementing these emergency regulations before taking further action. We take our responsibility for protecting our employees seriously. I remain concerned about the impact the emergency regulations have on my business now, and in the future and I encourage the board to NOT make them permanent.	9/25/20 12:44 pm CommentID:86227
kirk miller	Oppose Covid Workplace Regulations	I am opposed to these regulations because of the unfair burden it puts on small businesses. These mandated policies will financially hurt small businesses requiring them to go way beyond what is reasonable in the workplace for employee safety.	9/25/20 12:47 pm CommentID:86230
Anthony Pistone, AFSCME Member	Please Make the ETS Permanent!	My name is Anthony Pistone and I am a member of the American Federation of State, County & Municipal Employees (AFSCME). I have served Arlington County in the Water, Sewer, and Streets division of Environmental Services for four years. My primary job responsibility is to operate an asphalt truck as part of a road maintenance crew. Road maintenance is often loud and fast paced, making it hard to be constantly conscientious of physical distancing while at a work site. Since the onset of the pandemic, in the interest of being compliant of federal and state guidelines, the county has been providing us with face masks. While this does not eliminate the risk of exposure to COVID-19 or other communicable illness, it serves as source control to curb the spread. The County also halted the standard practice of commuting to job sites in full vehicles at the onset of the pandemic. For several months, my crew rode one to a vehicle, a necessary change then and a practice we should return to. Presently, my crew commutes to worksites two to a car, with two of us in the asphalt truck and two in the utility truck. While the work we do has us out in the community and in close contact with the public, the measures that the County has implemented toward being complaint with VOSH ETS has meant some measure of	9/25/20 12:48 pm CommentID:86232

		protection for us. We need VOSH to make the emergency temporary standard permanent to protect employees against the risk of exposure. The risk presented by COVID-19 has not passed and it is of the utmost importance that employers have clear directives as to what steps must be taken to protect employees and the public. Strong enforcement mechanisms will mean more compliance. Virginia has shown leadership in being first in the nation to enact these temporary emergency standards, and they can continue to lead by making the standards permanent. We urge you to protect Virginian workers and our families.	
Jenna	Oppose permanent COVID measures!!	Masks should never be required for American citizens. Each person needs to breathe in fresh oxygen, instead of carbon monoxide within his or her mask. Masks begin to also recycle bacteria that starts to grow in front of a person's mouth and nose. Mandatory masks will begin to break down a person's health as well as their freedom to choose...	9/25/20 1:00 pm CommentID:86235
Kathy Shiffer	COVID-19 Workplace Safety Emergency Standard	My husband and I are small business owners. We are writing to state our opposition to making the COVID-10 Workplace Safety Emergency Standard permanent. As you know, this time of pandemic has been challenging for all citizens, and among the hardest-hit have been small business owners. We have struggled to keep our doors open while maintaining the safety of our employees and customers. In a small business such as ours, employees are like family to us and we care deeply about their welfare. We have gone to great lengths to comply with the law and with common sense efforts to keep them safe. None of this has been without great effort and sacrifice, however. To make permanent the COVID-19 Workplace Safety Emergency Standard would impose a crushing burden on us and would make small business even more difficult to operate than it now is. We urge you to NOT take this action.	9/25/20 1:05 pm CommentID:86236
SEIU Virginia 512	Strong support for permanent standards to protect workers from COVID-19	On behalf of the dedicated public service workers, including many of those in healthcare, who are members of SEIU Virginia 512, we commend the DOLI staff and Safety and Health Codes Board for developing and approving emergency temporary standards in a timely manner. We write in support of the Proposed Permanent Standard for Infectious Disease Prevention for COVID-19, which would make these essential standards a permanent protection for workers in Virginia. A permanent standard is necessary to protect working families throughout our commonwealth because COVID-19 is likely to remain a pressing reality for years to come. A strong permanent standard is further needed to help prepare workers and employers to weather future novel viruses likely to emerge. The Proposed Permanent Standard for Infectious Disease Prevention for COVID-19 would maintain important protections for working people and communities in Virginia and provide continuity with the emergency temporary standards, thereby reducing the challenges employers and employees would face from changing regulations that are rarely based on science, but instead political whim. Clear standards coming from one agency of authority simplifies things for employers and workers, which will make the standard easier to implement and reduce confusion. COVID-19 is spread through droplets and airborne particles and is easily transmissible. An airborne hazard like this virus makes strong protections essential to a safe workplace, and by extension, safe home and communities. This standard is strong and based on scientific information and long-standing occupational health and safety practices. The standard is programmatic, so each employer is required to implement a program tailored to their workplace using scientific-based and longstanding workplace control practices. This allows workers across the state in a variety of industries and settings to gain protections and employers to implement procedures tailored to that workplace. We strongly support the provisions in the standard that require employers to provide greater transparency and communication when someone in the workplace has been infected with COVID-19, while still complying with the Americans with Disabilities Act and other applicable Virginia laws and regulations. We have two recommendations to strengthen the standards. While we applaud DOLI and the Board for prioritizing physical distancing, which is one of the best ways to prevent person-to-person spread, we do urge the Board to consider the airborne nature of this virus and dispense with the current 6 foot rule as an effective control for airborn exposure. Ventilation, efforts to control and reduce persons and time in spaces and enclosed areas, and other engineering and administration controls must be combined with distancing to effectively mitigate airborne transmission of the virus. Please consider more revising this provision. Finally, we urge you to clarify that under medical removal for known infections, exposures, or when recommended by a medical or public health professional, workers are afforded removal protections including maintaining the employee's base earnings, seniority, and other rights and benefits that existed at the time of removal until cleared for return to work. Thank you for considering these comments on behalf of the hard-working members of SEIU Virginia 512. The ETS is a strong, comprehensive standard that sets clear requirements based on longstanding practices and current science, and should be made permanent while implementing the changes we outlined above regarding the 6 foot standard for physical distancing, and medical removal of workers. We urge you to do what is right to protect Virginia's workers and adopt the proposed Permanent Standard. In Solidarity, David Broder, President, SEIU Virginia 512	9/25/20 1:06 pm CommentID:86237
Virginia, Maryland & Delaware Association of Electric Cooperatives (VMDAEC)	Virginia's Electric Cooperatives' Comments	Dear Ladies and Gentlemen: The purpose of this letter is to reiterate our request for a utility industry exemption to the Board's latest permanent COVID rulemaking proposal. Virginia's fourteen electric cooperatives continue to have concerns about the Board's current rulemaking initiative. We remain concerned that this rulemaking, as applied to electric utilities, may disrupt utility operations and make electric line workers less—not more—safe. While not in any way downplaying the dangers of COVID-19—the danger of electrocution is a greater danger than COVID-19. Our safety practices aim to prevent electrocution, and the Emergency Temporary Standard arguably makes it more likely as applied to line workers and technical personnel. Therefore, we would like to request that the exemption for field and operational personnel operating in the open air, including performing aerial linework, noted in the recording of the Board's meeting concerning PPE, be made explicit in the permanent safety standard. **Given the colloquy between Mr. Withrow and Board Member Hoover during the Board's discussions regarding the Emergency Temporary Standard, it appears that the Department agrees with us that this type of exemption is wholly appropriate.** If this were to happen, it would give us regulatory certainty, remove conflicts with other federal and state regulatory requirements, and keep Cooperatives out of the untenable position in which they find themselves at the moment, operating under the Emergency Temporary Standard. For the reasons stated in my June 22, 2020, comments on the Emergency Temporary Standard, we request this clarification. Secondly, and more generally, we would also remark that: (i) the Permanent Standard should still contain a sunset date and be of a length certain; (ii) the Permanent Standard continues to limit flexibility in response to a very fluid situation; (iii) the Permanent Standard should not be expanded to cover other infectious diseases (The Cooperatives are not health care organizations and do not employ health care professionals as a matter of course.); and (iv) should the Permanent Standard be substantively amended by the Board, another round of notice and comment, if not formal public comment, should be allowed. Safety is part of our culture—part of everything we do as electric cooperatives. Our own industry safety regimen as mandated by other applicable state and federal law must take precedence over any other COVID-related requirements. Thank you for your kind attention to this matter and consideration of these comments, and if you have any questions, please do not hesitate to contact me. Respectfully submitted, Samuel R. Brumberg Counsel to the VMDAEC	9/25/20 1:08 pm CommentID:86238
Karen Miller	STRONGLY OPPOSE ADOPTION OF PERMANENT STANDARD FOR INFECTIOUS DISEASE PREVENTION	I am a small business owner in Virginia who opposes making the COVID-19 Workplace Safety Emergency Standard permanent. Six months into the pandemic, I have learned to adapt to this unprecedented time by implementing safety protocols from a number of federal and state entities to ensure physical distancing and extensive sanitization. I want to keep my employees and customers safe because I care about their welfare. Now is not the time to make the emergency temporary standard permanent when it's likely this pandemic will be temporary. Imposing "one size fits all" COVID-19 regulations on all employers is UNREASONABLE especially when guidance is continually changing as we learn more about the virus. The Board needs to take the time to see what challenges employers are facing implementing the emergency regulations before taking any further action. Making the COVID-19 emergency regulations permanent will only make a difficult situation worse for employers and employees. I remain concerned about the impact the provisions of the emergency regulations are having on my business and encourage the Board to not make them permanent.	9/25/20 1:11 pm CommentID:86239
Crystal Cooper	Do not extend COVID policy indefinitely	It is inappropriate and premature to extend workplace COVID-19 policies indefinitely. Policies are still changing all of the time. Additionally, we are looking forward to a time when we are not dealing with this, and if that is not the case, the public should be informed immediately. Otherwise, the facts are that this is an ever-changing situation, and therefore, policies should be re-visited quarterly, at least, rather than extended indefinitely.	9/25/20 1:17 pm CommentID:86242
MaDena DuChemin, Bay Aging	Emergency Temporary Standard COVID-19-Do not permanently extend as written	I recommend that you review the letter from the Virginia Chamber of Commerce and adopt the recommended changes if this standard is to become permanent. The safety of employees is critical; however, the ETS as written has conflicting language throughout and is in need of modification. Thank you for your consideration.	9/25/20 1:23 pm CommentID:86243
Piotr Sliwka is a private citizen and Virginia resident.	Safety at work and after work.	I am for the strongest COVID-19 job related protections in Virginia to remain permanent, because these protections have been found to keep influenza levels very low in Australia. In addition, Virginia Assembly and the governor must finish Virginia Medicaid expansion by striking down and removing 80 hours per month of working or volunteering, because low income Virginia residents must not be forced to work nor volunteer any number of hours to qualify for state Medicaid.	9/25/20 1:26 pm CommentID:86244
Veterianrians	Oppose	Strongly Oppose standards becoming permanent. While the temporary measures were needed to limit the short term impact, making burdensome and unrealistic to enforce standards permanent is just more legislation that is a detriment to our economy. This would be more legislation that will be difficult to interpret and will certainly be inconsistently enforced.	9/25/20 1:32 pm CommentID:86247
Christy Martin	NO MORE MASKS!	I am shocked that anyone would think people would think wearing masks inside forever is a good idea. Masks hurt businesses and people will not patronize businesses if they have to wear a mask and the economy will get worse. I am 57 and I have never witnessed anything like this! H1N1 was more dangerous to children and we didn't wear masks. We live in America and I have a mastered degree and am perfectly capable of deciding when I need to stay at home and when or if I need a mask. NO MORE MASK WEARING!	9/25/20 1:34 pm CommentID:86249
Anonymous	STRONGLY OPPOSE ETS	**STRONGLY OPPOSE!!!**	9/25/20 1:36 pm CommentID:86251
Associated General Contractors of Virginia - Brandon Robinson, CEO	AGCVA Request to Oppose this Standard	September 20, 2020 Virginia Department of Labor & Industry 600 E. Main Street, Suite 207 Richmond, 23219 Dear Safety and Health Codes Board Members, On behalf of the Associated General Contractors of Virginia (AGCVA), Virginia's largest and most influential construction trade organization, we urge you to oppose the adoption of Permanent Safety Standard for Infectious Disease Prevention: SARS-CoV-2 / 16VAC25-220, which will make permanent the current temporary standards for employers in an effort to control, prevent, and mitigate the spread of SARS-CoV-2. In the wake of a global pandemic, America's construction industry was deemed essential. Hundreds of Virginia construction companies have remained open and operating throughout 2020. The ability to continue work was in large part due to the sophistication of the men and women who swiftly adapted to new safety measures to protect employees and their families. The construction industry has spent money beyond their budget and has invested countless hours to keep employees safe. This has included implementing temperature checks, enforcing social distancing, abiding the stay-at-home and return-to-work orders, posting signage, adding sanitary stations, rewriting daily safety procedures, and more. The industry has also complied with all government mandates regarding this pandemic. The current Emergency Temporary Standards require a one-size-fits-all approach for businesses across the state to implement procedures to prevent the spread of SARS-CoV-2. Therefore, AGCVA and its members have many concerns with making these standards permanent and respectfully ask you vote to oppose the adoption of the Permanent Safety Standard for these reasons: 1. Creates confusion because of conflicting federal and state regulations Virginia employers have access to guidance and resources from the CDC, VDH, and OSHA to help slow the spread of COVID-19. Certain additional requirements in the proposed permanent standards - particularly the return to work criteria - contradict the other guidance and recommendations. The contradicting guidance becomes even more convoluted in cases where Virginia-based companies have worksites in multiple states. To reduce confusion when deciding which requirements to follow, companies should be able to utilize current nation-wide guidance. This creates a consistent and clear message for all employers to convey through company instituted policies. 2. Enforces premature mandates for an unprecedented event when data and health recommendations continue to evolve Guidance from the CDC and VDH continues to evolve as evidenced by the recent revisions to recovery/return to work guidelines. By adopting these proposed permanent standards, it saddles Virginia's employers with a standard that may not reflect the latest breakthroughs on the virus. Employers should instead be encouraged to follow the latest CDC guidelines without the need to interpret a permanent standard that could potentially be outdated the moment it is published. This creates hazardous risks for employers and their employees. 3. Increases liability risk due to vague language and unclear threshold for implementation While companies make their best effort to comply with guidance or required standards, they still cannot control what employees do after hours during the largest exposure risk. These proposed permanent standards place undue responsibility and liability on employers for actions outside of normal business hours. Furthermore, adopting a permanent standard for such a specific virus is a dangerous precedent. There is a high probability that this virus will soon be manageable and even preventable. Adopting a permanent standard implies	9/25/20 1:42 pm CommentID:86256

		that mandates, including face coverings, social distancing, common area closures, daily pre-screenings, and more will still be required after an available vaccine or more controlled scenario of the virus is in place. A permanent standard on a non-permanent pandemic is an unnecessary model. 4. Fosters a distracted and diluted focus on other core safety precautions The complex requirements of the proposed permanent standard are taking focus away from traditional and serious safety risks. These standards are one-size-fits-all, causing employers to spend an inordinate amount of time interpreting and implementing new procedures. The quest to stay compliant will keep companies from getting fined or shut down, but it comes at the cost of not being able to focus on ongoing core safety risks. AGCVA represents an industry with a concerted effort focused on the safety and health of its workforce. Providing these companies the flexibility to adopt safety and health policies and procedures that fit each individual situation is the best way to ensure the safety of Virginia's workers. Creating a permanent standard for a temporary crisis will not make Virginia's workers safer and will harm business in the process. Sincerely, The Associated General Contractors of Virginia (AGCVA) 11950 Nuckols Road Glen Allen, VA 23059	
Tee	Strongly oppose permanent workplace measures	Strongly oppose permanent covid standards, sets precedent for future draconian measures! There are people who are unable to comply due to personal health issues (their doctor advises against mask-wearing, for example, due to possible respiratory aggravation due to mask). One size does not fit all!	9/25/20 1:43 pm CommentID:86257
Michelle Bielovitz	The masks are dangerous	Masks do not protect from viruses since the viruses go through them, but they do make people sick. These things happened to people that I personally know. They restrict essential oxygen causing acidosis They activate latent viruses. Actually spread disease since the moisture from a mask collects viruses and bacteria.	9/25/20 1:43 pm CommentID:86258
JOYCE W ROBBINS	16 VAC 25-220	OPPOSED	9/25/20 1:43 pm CommentID:86259
Bruce Whitehurst, Virginia Bankers Association	Oppose Adoption of Permanent Standard	The Virginia Bankers Association ("VBA") represents banks of all sizes and charters and has served as the organized voice for Virginia's $615 billion banking industry and its 42 thousand employees since 1893. We appreciate the opportunity to comment on the Department of Labor and Industry's notice of its intent to adopt a permanent standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19. The VBA opposes the adoption of the permanent standard. Virginia banks have remained open throughout the coronavirus pandemic providing important banking and financial services to their customers and communities. Protecting the health and safety of bank customers and employees has been, and continues to be, of paramount importance and a priority for our members. Virginia banks have invested significant time and resources altering their processes and service delivery models to ensure those protections, as well as complying with federal and state governmental requirements and best practices. The permanent standard, as proposed, lacks: necessary clarity; flexibility to adapt to the continued change in the understanding of the virus; consistency with changing federal guidance; and, an appreciation of specific industry circumstances. Further, a permanent standard for a temporary threat is illogical and unnecessary; therefore, the regulation should not extend beyond the expiration of the Governor's State of Emergency related to COVID-19. The burden to comply with the proposed permanent standards along with the potential risks in significant enforcement fines and litigation only further harm both Virginia banks and their small business customers during this already perilous economic time. In addition to these concerns, the VBA supports the comments and concerns that the Virginia Chamber has submitted in regard to any potential permanent standard to be adopted by the Safety and Health Codes Board. In summary, the VBA opposes the adoption of the permanent standard. Thank you for the opportunity to provide comments. If you have any questions, please feel free to contact me at 804-819-4701 or bwhitehurst@vabankers.org.	9/25/20 1:45 pm CommentID:86261
Porter Hardy, Smartmouth Brewing	Opposition to COVID-19 Standards becoming permanent	Hello, I am the President of a microbrewery in the Hampton Roads area but with distribution throughout the state. Today, I am asking you to hold off on making the emergency temporary standards (ETS) relating to COVID-19 permanent. As a small business we have been significantly impacted by COVID-19. Our number one priority is the safety of our employees and customers and, I believe, we have been very reasonable with implementing proper safety protocol. While there are certain things about the ETS that I would change (it is way beyond what other states are requiring of small businesses) I can understand the need for government oversight in this unprecedented time. Making the ETS permanent, however, seems rash and unnecessary. At some point, the pandemic will be over and while we may face a similar issue in the future more temporary regulations could be issued at that point. I see no reason to make these standards permanent and I worry about the administrative burden for businesses with no real positive impact on the safety of customers and employees. Thank you for your time, Porter Hardy	9/25/20 1:49 pm CommentID:86263
Joel Shank, Dynamic Aviation	ETS Impact on Business	Dear Commissioner Davenport and Members of the Safety and Health Codes Board, The health and safety of our state's workforce should continue to be the top priority for state legislators and businesses. The business community supports clear and consistent workplace health protection protocols; however, I remain concerned that the impact of the current ETS provisions have on businesses and I encourage you to not make them permanent. However, if the Board does decide to move forward with a permanent standard, I recommend that several components of the standard be tweaked to provide businesses with appropriate flexibility. Most importantly, the ETS needs to not have conflict with state and federal regulations to reduce confusion and complexity for state businesses and employees. In addition, the Board should strongly consider the financial impact these permanent standards will have on businesses that are already struggling due to the economic impacts from the pandemic. Thank you for your consideration.	9/25/20 1:54 pm CommentID:86265
P. Prentice Best	Permanent Standards for COVID/Infectious disease	The COVID virus has brought to our attention the need for standard procedures to protect workers and to limit contagion, however, making these requirements permanent does not seem to be in our best interests. Let us learn from this experience, but do not adopt rigid rules and requirements that become a burden to small businesses and to individuals.	9/25/20 1:56 pm CommentID:86267
Chris Cook	STRONGLY OPPOSE!!!	Get out of our business!!!	9/25/20 1:57 pm CommentID:86268
Gregory Trucking Co., Inc	Oppose permanent Covid workplace regulations	We are a small business, 24 employees, and do not need more regulations forced on us. In today's business world we must watch every penny spent. Our employees are like "family" and we take care of them. Again, I don't need help running my business or taking care of om employees.	9/25/20 1:57 pm CommentID:86269
Hunter Merrill	OSHA Covid Regulations	Strongly oppose. Do not regulate on issues that science does not even understand.	9/25/20 2:00 pm CommentID:86270
Latane Ware	STRONGLY OPPOSE!	As the Business Development Manager for Branch Civil, Inc. in the heavy construction industry, I oppose adopting a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220. • Construction is an essential business performing critical work in the Commonwealth since the onset of the pandemic. The health and safety of all employees is the top priority of our company. A culture of safety is our primary operating principle. We implemented the CDC and OSHA COVID-19 guidelines for construction as soon as they were published and are in compliance with the CARES Act mandates. • Construction worked for four and a half months under CDC and OSHA guidelines before the Emergency Temporary Standard became effective, July 27,2020. During those months we implemented critical safety measures to ensure the health of our employees. The federal guidelines for construction were working and additional regulations were duplicative and unnecessary. • The science of COVID-19 is continuously being updated. The CDC and OSHA guidelines are frequently updated to reflect the science. The Emergency Temporary Standard, proposed in April 2020, is outdated and inflexible. If the standard were to become permanent, it would continue to require businesses to comply with outdated regulations. What was thought to be true about the transmission of SARS-CoV-2 in April, is no longer accurate. As an example, the disinfection standard requirements are based on practices that now may not provide meaningful reduction in transmission. An hour or more a day is spent disinfecting tools and equipment. It is time consuming and burdensome to continue with practices no longer scientifically relevant. • The costs of the required training (16VAC25-220-70 and 16VAC25-220-80) average a total of 2 hours per employee. Developing the Infectious Disease Preparedness and Response Plan (16VAC25-220-70), not including implementation, requires approximately 40 hours by a supervisory level employee. These hours are in addition to and impede other job functions. • Non-medically trained individuals now are required to perform health screenings. Screening each crew on average, takes thirty minutes at the start of a shift. Individuals must take accountability for their own health and not report to work if they are exhibiting the symptoms of COVID-19. After six months, Virginians should be very well aware of those symptoms. Our company, as mandated by the CARES Act, provides the Paid Sick Leave necessary for employees to stay home if they are ill. • Construction tasks fall into the "Low" and "Medium" categories as defined in 16VAC25-220-30. The standards use "Grave" danger to regulate **ALL** businesses in Virginia, yet the great majority of deaths in Virginia (79% or 2269 as of September 23rd Virginia Department of Health Dashboard) were patients over the age of 70. As it is unlikely many over the age of 70 were actively still in the workplace, that leaves 613 deaths over 6 months or a death rate in Virginia of.007% based on a population of 8,536,000 (2019 US Census Bureau). Further, 54% (1556) of deaths were patients in long-term care and correctional facilities. As not all of those deaths fall into the over 70 category, that means less than 613 deaths were ***potentially*** working Virginians. Where they were exposed to the virus is not provided in the data. The definition of "Grave" danger for "low" and "medium" risk category needs to be revisited. These categories should be removed from the Temporary Standard and never be part of any Permanent Standard. I am opposed to any amendment to include other flus, viruses, colds, or other communicable diseases in any permanent standard. There is no one-size fits all plan to combat a wide variety of infectious illnesses. The Emergency Standards are burdensome, obsolete, difficult to enforce, costly in time and money, and lack flexibility to adapt to current science and innovation. I am STRONGLY OPPOSED to the adoption of these as a Permanent Standard for what is a temporary health situation. I remain committed to the health and safety of my coworkers/employees and thank you for the opportunity to publically comment.	9/25/20 2:05 pm CommentID:86274
Rose Davis	Absolutely positively no permanent mask wearing	With the death rate in Virginia being 0.000299, according to statistics from the Virginia department of health, mask restrictions should be lifted not made permanent. As of September 8th, 2020, there were 2,686 confirmed or probable covid deaths listed on VDH. Using an estimated population of Virginia at 8.536 million, the percent is 0.000299. Continued use of masks is unnecessary.	9/25/20 2:06 pm CommentID:86275
Randy Vaughan	Strongly Oppose Adopting a Permanent Standard	As an employee and Project Manager in the heavy construction industry, I oppose adopting a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220. • Construction is an essential business performing critical work in the Commonwealth since the onset of the pandemic. The health and safety of all employees is the top priority of our company. A culture of safety is our primary operating principle. We implemented the CDC and OSHA COVID-19 guidelines for construction as soon as they were published and are in compliance with the CARES Act mandates. • Construction worked for four and a half months under CDC and OSHA guidelines before the Emergency Temporary Standard became effective, July 27,2020. During those months we implemented critical safety measures to ensure the health of our employees. The federal guidelines for construction were working and additional regulations were duplicative and unnecessary. • The science of COVID-19 is continuously being updated. The CDC and OSHA guidelines are frequently updated to reflect the science. The Emergency Temporary Standard, proposed in April 2020, is outdated and inflexible. If the standard were to become permanent, it would continue to require businesses to comply with outdated regulations. What was thought to be true about the transmission of SARS-CoV-2 in April, is no longer accurate. As an example, the disinfection standard requirements are based on practices that now may not provide meaningful reduction in transmission. An hour or more a day is spent disinfecting tools and equipment. It is time consuming and burdensome to continue with practices no longer scientifically relevant. • The costs of the required training (16VAC25-220-70 and 16VAC25-220-80) average a total of 2 hours per employee. Developing the Infectious Disease Preparedness and Response Plan (16VAC25-220-70), not including implementation, requires approximately 40 hours by a supervisory level employee. These hours are in addition to and impede other job functions.	9/25/20 2:06 pm CommentID:86276

		• Non-medically trained individuals now are required to perform health screenings. Screening each crew on average, takes thirty minutes at the start of a shift. Individuals must take accountability for their own health and not report to work if they are exhibiting the symptoms of COVID-19. After six months, Virginians should be very well aware of those symptoms. Our company, as mandated by the CARES Act, provides the Paid Sick Leave necessary for employees to stay home if they are ill. • Construction tasks fall into the "Low" and "Medium" categories as defined in 16VAC25-220-30. The standards use "Grave" danger to regulate **ALL** businesses in Virginia, yet the great majority of deaths in Virginia (79% or 2269 as of September 23rd Virginia Department of Health Dashboard) were patients over the age of 70. As it is unlikely many over the age of 70 were actively still in the workplace, that leaves 613 deaths over 6 months or a death rate in Virginia of.007% based on a population of 8,536,000 (2019 US Census Bureau). Further, 54% (1556) of deaths were patients in long-term care and correctional facilities. As not all of those deaths fall into the over 70 category, that means less than 613 deaths were ***potentially*** working Virginians. Where they were exposed to the virus is not provided in the data. The definition of "Grave" danger for "low" and "medium" risk category needs to be revisited. These categories should be removed from the Temporary Standard and never be part of any Permanent Standard. I am opposed to any amendment to include other flus, viruses, colds, or other communicable diseases in any permanent standard. There is no one-size fits all plan to combat a wide variety of infectious illnesses. The Emergency Standards are burdensome, obsolete, difficult to enforce, costly in time and money, and lack flexibility to adapt to current science and innovation. I am STRONGLY OPPOSED to the adoption of these as a Permanent Standard for what is a temporary health situation. I remain committed to the health and safety of my coworkers/employees and thank you for the opportunity to publicly comment.	
Brian Gordon, AOBA	AOBA Opposition to Proposed Building Standards	On behalf of the Apartment and Office Building Association of Metropolitan Washington (AOBA), I write to express our members' concerns and opposition with proposed permanent workplace safety standards (16VAC25-220). AOBA's member companies own and operate a collective portfolio of roughly 71 million square feet of commercial office space and over 286,000 multifamily residential units located throughout Northern Virginia. Also represented by AOBA are over 200 companies who provide products and services to the real estate industry. These businesses are directly impacted by the proposed permanent workplace safety standards. As building owners and managers, our members have been on the front lines and on the leading edge of efforts to control, prevent and mitigate the spread of the COVID-19 virus. We have worked diligently to keep our members informed in order to ensure that they remain in compliance with ever-evolving and difficult-to-navigate standards, regulations and best practices governing capacity and operational limitations, social distancing, cleaning and disinfection, testing and reporting, etc. Our industry's actions clearly demonstrate that we share in the stated objective of the proposed standards – to protect employees, tenants and visitors to our buildings. However, the proposed regulations exceed the purview of the Safety and Health Codes Board, add a layer of complexity and inconsistency with existing federal standards and guidance, and heap unreasonable and exorbitant costs on Virginia business at a time when they already face tremendous challenges due to the COVID-19 pandemic. AOBA has joined as a member of the Virginia Business Coalition, from which you have also received comments. We share in the broader concerns voiced by the coalition in their September 25 letter. Our industry is particularly concerned, though, with proposed regulations which encroach upon the Commonwealth's highly regarded codes development process, especially those that pertain to required retrofits of existing buildings and building systems. While the Department of Labor and Industry has functional design authority under the Virginia Uniform Statewide Building Code (USBC) for occupational safety, USBC 103.5/COV 36-98 state that functional design is for "building activities not covered by the USBC." Several provisions of the proposed permanent workplace safety standards exceed this license. For instance, air handler installation and design fall squarely within the purview of the USBC. While restricted to those businesses that fall under the "high-risk" category, these requirements will broadly impact commercial office buildings that house medical laboratories, medical/chiropractic and other treatment-related practices as tenants. These businesses are not just located in hospital facilities or medical office buildings. If such businesses are classified as "high or very high risk," the entire building will be required to come into compliance with the updated standards. Additionally, the definition of "suspected to be" infected casts a broad net that can include virtually any one entering that tenant's space that could subject an entire building's HVAC system to meet retrofit its air circulation systems at tremendous cost. Similarly, proposed requirements dictating the construction of floor-to-ceiling barriers are also construction-related and thereby covered under the USBC. These proposed requirements represent a substantial cost to Virginia businesses and ignore the longstanding tenet of building codes application wherein buildings constructed to the code in place at the time of construction are deemed in compliance and not forced to retrofit and conform to requirements put into place subsequent to their development. This policy is clearly articulated in the Code of Virginia, Sections 36-103 and 26-99.01. Section 36-103 provides, in part, that "any building or structure, for which a building permit has been issued or on which construction has commenced…shall remain subject to the building regulations in effect at the time of such issuance or commencement of construction. However, the Board may adopt and promulgate…building regulations that facilitate the maintenance, rehabilitation, development and reuse of existing buildings at the least possible cost…Subsequent reconstruction renovation, repair or demolition of such buildings or structures shall be subject to the pertinent construction and rehabilitation provisions of the Building Code. The provisions of this section shall be applicable to all equipment." Virginia's codes development process, overseen by the Board of Housing and Community Development (BHCD), has been nationally recognized for incorporating the input of experts and stakeholders across the spectrum to produce the most functionally sound building standards. AOBA opposes any effort to usurp the authority of BHCD, the rightfully positioned and empowered entity to determine appropriate requirements pertaining to such matters. The Safety and Health Codes Board lacks sufficient authority, process and expertise to unilaterally adopt regulations pertaining to such matters. We thank you for your consideration of our comments and concerns.	9/25/20 2:06 pm CommentID:86277
W Kevin Watterson MD	Do NOT Support	This proposal is premature and, frankly, best described as histrionic. This proposal is markedly burdensome on small businesses for a disease that the vast majority of people who contract the disease recover or are never symptomatic. It also presumes that vaccination is an inevitable failure or that there will always be "a next pandemic". This proposal will have the obvious (so that no one can ever plead "unintended" consequence of killing new business creation and taking out current small businesses that are just hanging on. Stop this foolishness now!	9/25/20 2:09 pm CommentID:86278
Sheila Stone	extend covid workplace protections. I'm a nurse.	COVID-19 is very contagious, and spreads exponentially: each case therefore increases the risk for all of us. As a nurse, I see that people have to work or risk joblessness and homelessness. When workers are unable to protect themselves or others because of the conditions of their workplace, it leads to preventable risk and spread. Since every single case increases the risk for some health care worker, I feel that not mandating precautions exposes not only specific workers, but health care workers, to unnecessary risk. As a nurse, I feel "expendable" when society doesn't protect us. I signed up to serve humanity in times of suffering, but not to die preventably.	9/25/20 2:11 pm CommentID:86279
Mary H	Strongly Opposed to such burdens upon businesses.	Excessive government regulations hinders free market	9/25/20 2:12 pm CommentID:86280
Anonymous	COVID regulations vote	**SAMPLE COMMENTS** I am a small business owner in Virginia who opposes making the COVID-19 Workplace Safety Emergency Standard permanent. Six months into the pandemic, I have learned to adapt to this unprecedented time by implementing safety protocols from a number of federal and state entities to ensure physical distancing and extensive sanitization. I want to keep my employees and customers safe because I care about their welfare. Now is not the time to make the emergency temporary standard permanent when it's likely this pandemic will be temporary. Imposing "one size fits all" COVID-19 regulations on all employers is unreasonable especially when guidance is continually changing as we learn more about the virus. The Board needs to take the time to see what challenges employers are facing implementing the emergency regulations before taking any further action. My company takes its responsibility for protecting its employees seriously. Making the COVID-19 emergency regulations permanent will only make a difficult situation worse for employers and employees. I remain concerned about the impact many of the provisions of the emergency regulations are having on my business and encourage the Board to not make them permanent. Thank you for reading my comments	9/25/20 2:13 pm CommentID:86281
Paula Shinkle	Face Mask	STRONGLY OPPOSE PERMANENT FACE MASKS!!!	9/25/20 2:14 pm CommentID:86282
L. Trish Philon	Permanent, enforceable protective standards are required for workers' and our community's health.	The temporary standards during the Covid-19 pandemic need to become permanent and enforceable for the protection and safety of the workers and the larger community. As a retired public health nurse, I respectfully urge you to consider the health and welfare of essential workers. Thank you.	9/25/20 2:16 pm CommentID:86284
Don Lockard	Strongly Oppose	This administration has over reacted and over regulated since the very beginning of the COVID19 event. Making this policy permanent is not going to advance safety in the least and will have the chilling affect of hurting businesses; especially small businesses. This administration has proven that they are willing to implement draconian measures that have no basis in reality and making these temporary rules permanent; continues to punish businesses forever. Please stop the panic mode and try governing with an eye toward economics instead of politics and control.	9/25/20 2:16 pm CommentID:86285
Jon Lawson, CSP	Proposal an Undue Burden on Virginia's Businesses	By federal regulation, the common cold and flu are exempt from OSHA's recordkeeping and reporting requirements (29 CFR Part 1904.5(b)(2)(vii)): the rationale for the exemption is that the spread of the cold and flu are so pervasive that is typically near-impossible to identify the source of infection; i.e., there would be no reasonable way to determine whether it was more likely than not that the illness was caused by an exposure in the workplace. The scale of infection of COVID-19 is expected to soon spread like the flu and common cold, with such overlap of symptoms a permanent standard for COVID-19 is an undue burden to Virginia's businesses. Work-relatedness for non-hospital workplaces have already been relaxed by Federal OHSA. Symptom overlap of flu and common colds will trigger employee absenteeism that cannot be navigated successfully. A ten-day quarantine for any related symptoms (e.g. runny nose or cough) is simply too restrictive. A need for an off-ramp, when a vaccine or herd immunity is achieved, should be entered into the standard to allow workers and business to eventually return to normal operations. The information about COVID-19 has evolved daily, recommendations have changed frequently, a permanent standard is pre-mature at this point.	9/25/20 2:17 pm CommentID:86288
John Viar	Permanent Mask Requirement	Before you jump to something as drastic as permanent mask requirement, let's see the scientific evidence that backs up the benefit of masks. I am not talking someone's opinion, simulation, or the "expert" say they work. We have already seen how accurate the experts have been with something that has supposedly killed no more people that what a bad flu season does. Provide undisputable scientific evidence derived from multiple experiments where masks have been proven to be effective. Sample experiment would be to put 6 doctors with six different types of mask on in a room with 6 COVID positive patients for 30 minutes. Add a doctor with no mask and no underlying conditions to the room for good measure. If in 14 days none of the doctors with masks get COVID and the doctor without the mask comes down with COVID, then you might have an argument for masks. Until that time you really don't know if the mask work, so no more mandatory mask orders. The hospitalizations and deaths from COVID have dropped dramatically. Most people who come down with it now describe it as a bad flu/cold that last for ~ 3-5 days. Wait till the first of 2021 to even consider this action.	9/25/20 2:18 pm CommentID:86289
Kelly Lowery	STRONGLY OPPOSE !!!!!!!	Strongly oppose to extend this.	9/25/20 2:21 pm CommentID:86291
Jim Atkinson	Oppose government overreach	This is one more government overreach action. Such regulation causes severe negative impacts to business and the daily lives of Virginia citizens by imparting more and more government involvement in everyone's daily lives. The government proves again and again that it cannot manage control it gives itself. The ridiculously backlogged state of the Virginia DMV that exists today is a perfect example of government run programs that become a bottleneck to people's lives and our economic well-being.	9/25/20 2:36 pm CommentID:86297
Anonymous	Teacher Decent	As a teacher, an expecting mother, and an active member in my community I must comment on this. Wearing a mask indoors all the time...EVEN IF I AM ALONE... Is outrageous. Here is my decent: -The CDC has now stated that masks are not a solution. That the bacteria is SO SMALL that it can fit through any hole/porous surface. However we are still required to wear them. -Masking your face prior to the pandemic was a crime. This mandate and potential change would then essentially give permission to an individual that wanted to hide their face while committing a crime ways to conceal their identity. -When you are alone in your work place (stating this as a teacher who is alone in her classroom for 90% of her day) it is not necessary to cover your face. -As a pregnant woman, I am depriving not only myself of clean oxygen but also my unborn child. I have nearly fainted from wearing a mask in the grocery store. Masks are not healthy. And I will fight this because I will not deprive my child of his daily needs in the fetal state just as I will never deprive my child of his basic needs when he is born. -It has also been proven that masks that are not cleaned regularly or disposed of can cause a person to contract Legionnaires. Which can be just as dangerous as a severe case of Covid. -Studies have now proven that children that have not gone through puberty (and do not have any underlying health conditions) do not have symptoms bigger than a common cold or they appear a-symptomatic. Why continue to force small children to wear a mask when they cannot contract or disperse the virus the same as an adult or teen?! -If you continue to infringe on the rights of your constituents, when will you realize that you have gone too far? I am so disappointed in my local and state representatives for not representing ME and the very large portion of the population that does not agree with how the pandemic is being handled. They are not looking at credible sources. They are making decisions based off of fear and peer pressure from people	9/25/20 2:37 pm CommentID:86299

		with deep pockets.	
Anonymous	STRONGLY OPPOSE	**STRONGLY OPPOSE!!!!!!!!! LISTEN TO THE PEOPLE - A MAJORITY OF THE CONVERSATIONS ABOUT THIS IS TO STRONGLY OPPOSE!!! LISTEN TO THE COMMENTS OF THE PEOPLE ABOUT THIS - DO NOT MAKE THIS PERMANENT IS WHAT I'M HEARING**	9/25/20 2:37 pm CommentID:86300
John Flannigan	Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25	Members of the Safety and Health Code Board, As an employee in the heavy construction industry, I oppose adopting a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220. • Construction is an essential business performing critical work in the Commonwealth since the onset of the pandemic. The health and safety of all employees is the top priority of our company. A culture of safety is our primary operating principle. We implemented the CDC and OSHA COVID-19 guidelines for construction as soon as they were published and are in compliance with the CARES Act mandates. • Construction worked for four and a half months under CDC and OSHA guidelines before the Emergency Temporary Standard became effective, July 27,2020. During those months we implemented critical safety measures to ensure the health of our employees. The federal guidelines for construction were working and additional regulations were duplicative and unnecessary. • The science of COVID-19 is continuously being updated. The CDC and OSHA guidelines are frequently updated to reflect the science. The Emergency Temporary Standard, proposed in April 2020, is outdated and inflexible. If the standard were to become permanent, it would continue to require businesses to comply with outdated regulations. What was thought to be true about the transmission of SARS-CoV-2 in April, is no longer accurate. As an example, the disinfection standard requirements are based on practices that now may not provide meaningful reduction in transmission. An hour or more a day is spent disinfecting tools and equipment. It is time consuming and burdensome to continue with practices no longer scientifically relevant. • The costs of the required training (16VAC25-220-70 and 16VAC25-220-80) average a total of 2 hours per employee. Developing the Infectious Disease Preparedness and Response Plan (16VAC25-220-70), not including implementation, requires approximately 40 hours by a supervisory level employee. These hours are in addition to and impede other job functions. • Non-medically trained individuals now are required to perform health screenings. Screening each crew on average, takes thirty minutes at the start of a shift. Individuals must take accountability for their own health and not report to work if they are exhibiting the symptoms of COVID-19. After six months, Virginians should be very well aware of those symptoms. Our company, as mandated by the CARES Act, provides the Paid Sick Leave necessary for employees to stay home if they are ill. • Construction tasks fall into the "Low" and "Medium" categories as defined in 16VAC25-220-30. The standards use "Grave" danger to regulate **ALL** businesses in Virginia, yet the great majority of deaths in Virginia (79% or 2269 as of September 23rd Virginia Department of Health Dashboard) were patients over the age of 70. As it is unlikely many over the age of 70 were actively still in the workplace, that leaves 613 deaths over 6 months or a death rate in Virginia of.007% based on a population of 8,536,000 (2019 US Census Bureau). Further, 54% (1556) of deaths were patients in long-term care and correctional facilities. As not all of those deaths fall into the over 70 category, that means less than 613 deaths were ***potentially*** working Virginians. Where they were exposed to the virus is not provided in the data. The definition of "Grave" danger for "low" and "medium" risk category needs to be revisited. These categories should be removed from the Temporary Standard and never be part of any Permanent Standard. I am opposed to any amendment to include other flus, viruses, colds, or other communicable diseases in any permanent standard. There is no one-size fits all plan to combat a wide variety of infectious illnesses. The Emergency Standards are burdensome, obsolete, difficult to enforce, costly in time and money, and lack flexibility to adapt to current science and innovation. I am STRONGLY OPPOSED to the adoption of these as a Permanent Standard for what is a temporary health situation. I remain committed to the health and safety of my coworkers and thank you for the opportunity to publically comment.	9/25/20 2:40 pm CommentID:86302
J.T. Kessler, Virginia School Boards Association	Oppose Permanent Standards	Department of Labor and Industry, The Virginia School Boards Association (VSBA) appreciates the opportunity to provide our concern regarding the adoption of permanent standards for the prevention of infectious diseases. VSBA opposes the adoption of permanent standards for the SARS-CoV-2 Virus that causes COVID-19 because they fail to provide flexibility to assess and adapt to research from medical professionals on how the virus spreads in the population. Further, a permanent standard that would extend beyond the expiration of the Governor's State of Emergency related to COVID-19, is problematic and unnecessary. Local school boards across the Commonwealth are adopting plans for the reopening of schools based on guidance from the Centers for Disease Control, the Virginia Department of Health, and the Virginia Department of Education. Each school board is dedicated to protecting the health and safety of their students, faculty, and staff. To guarantee safety, school boards have invested substantial amounts of resources to ensure their facilities and operations meet all requirements to comply with federal and state government guidance for the mitigation of COVID-19. VSBA urges the Department of Labor and Industry to reject making the emergency standards permanent.	9/25/20 2:44 pm CommentID:86304
Anonymous	Consent of the governed? Not this time.	Virginia bureaucrats , you clearly do not have the consent of the citizens of this commonwealth. Please act accordingly.	9/25/20 2:47 pm CommentID:86305
Pat Strickland VP Operations, Monogram Food Solutions	Monogram Foods is Opposed to Permanent Standard, Infectious Disease Prevention	September 25, 2020 C. Ray Davenport Commissioner Department of Labor and Industry Richmond, VA ***Re: 16VAC25-220, Proposed Permanent Standard, Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19*** Commissioner Davenport, Our organization places the wellbeing of our team members first and above all else, in all situations. We have worked cooperatively with the Virginia Department of Health, as well as the Health Departments of several other states in which we are an essential manufacturer of food products. We also have established a cooperative relationship with Virginia DOLI/VOSH while managing this global pandemic. We have found, in all cases, in the states where we work, the people in these government agencies have the same goal as we do – protecting people at home, in the community and in the workplace. We embrace the sharing of best practices to slow the spread of this pandemic, and without hesitation provide all of the protections we can in the workplace, complemented with a saturation of education to help our team members while at home and in the community. Matters of public health are just that – matters of public health. Tuberculosis outbreaks, the common cold, the flu, and pandemics – are within the jurisdiction, including enforcement of the Virginia Dept. of Health, as well as local supporting health agencies. The original, and sustained intent of the OSH Act is to require employers to evaluate and mitigate risks in the workplace, to provide protections to their employees of those risks that are a result of the hazards of the work in the workplace. The Act was not and is not intended for the employer to take a primary role in the accountability for spread of the common cold, the flu, or a global pandemic. These are social health issues and should not leak into the DOLI window of regulations and enforcement as it is outside of their scope. **DOLI / VOSH SHOULD HAVE NO STANDARD FOR COVID 19, EITHER TEMPORARY OR PERMANENT AFFECTING THE MANUFACTURING SEGMENT** • It is not the original or sustained interpretation of the OSH Act to hold an employer accountable for illnesses that are not directly attributable to the conditions and work instructions within the workplace. The intention of the OSH Act is to impose upon employers to provide a workplace free from safety hazards related to the work being performed, that are under control of the employer. • This burden on employers – which is not present in surrounding states, if faced with a permanent standard, jeopardizes the level of competition for industry and jobs in the Commonwealth of Virginia. This can result in loss of industry and jobs – because it is overbearing and inconsistent with surrounding states. • Development and subsequent promulgation of workplace safety standards by DOLI/VOSH is intended to have a process of checks, balances and science building a foundation beneath them. What we know about the novel Covid virus and protections are unproven science and are evolving continuously. There is not enough solid, proven information available to allow such a permanent standard to survive the necessary checks and balances. **DOLI / VOSH CAN PLAY AN IMPORTANT, VALUABLE ROLE IN SLOWING THE SPREAD AND CONTAINMENT OF THE PANDEMIC** • We believe that the intentions of the ETS and its proposed transition to a permanent standard are well-intended. However, it is inappropriate to create a permanent standard without the proper process flow. Properly channeling well intentions and resources through consulting / assistance channels could help create a better scenario. • DOLI/VOSH has existing and successful Consultation Services. These services are an asset and can be mobilized to assist employers slow the spread of the virus. For example, The State of Wisconsin; The Industrial Hygiene technical resources for Wisconsin OSHA Outreach program are based out of the University of Wisconsin. The State of Wisconsin has temporarily repurposed these resources to an additional level of separation from the OSHA compliance arm. In cooperation with the Wisconsin Dept of Health, the State is sending in teams of Industrial Hygienists, learning and sharing best practices throughout the State by visiting and consulting with manufacturing operations. This is a clear commitment from the State of Wisconsin to truly try and help employers contribute to the slowing and containment of the spread without the discussion of enforcement. **IF THERE IS NO CHOICE BUT TO HAVE A TEMPORARY OR PERMANENT STANDARD** • The current ETS and potentially the permanent standards, the threshold for reporting Covid positive cases to VOSH is not properly developed. It is static and does not respect the dynamics of a 15-employee workplace vs a 2,000-employee workplace. The current, static representation of three positive exposures of employees at the worksite should be transitioned to an indexed, dynamic representation for reporting. The State of California, to create an escalation threshold (SB-1159) uses 4% of the workforce. A more appropriate criteria would be 4 cases for employers with 0-100 employees, 4% of the workforce in a 30-day sampling window for employers with more than 100 employees at a site. • If there is to be a permanent standard, there would need to be specific criteria regarding enforcement windows. The standard should only be active during a period of pandemic as declared by the CDC and or VDH. • The standard must have agility for modification to stay consistent with ongoing advances and learnings in detecting and controlling spread of the virus. The currently ETS is already outdated to updated guidance from the CDC. ***Sincerely,*** ***Pat Strickland*** ***Monogram Food Solutions*** ***Vice President, Operations*** ***Martinsville, VA***	9/25/20 2:48 pm CommentID:86306
Debbie Kozak	Support for Permanent Standards	My name is Debbie Kozak and I am a public employee in Virginia and member of the American Federation of State County & Municipal Employees (AFSCME). I have been working in the mental health field for 36 years and when Covid hit, thankfully my agency granted my physician request to telework. I am living with health conditions that put me at a higher risk of exposure and impact from the coronavirus. Recently, when our workplace began preparing for the implementation of an electronic health records system, I struggled to obtain an accommodation to attend the related training virtually, rather than on-site. That's why we need the standards in place, that protect us from having to enter an unsafe work environment to be made permanent. We need strong enforcement mechanisms so that employers in Virginia know that safety of employees and our citizens comes first. Please make the Temporary Emergency Standards permanent.	9/25/20 2:49 pm CommentID:86307
Virginia Plumbing and Mechanical Inspectors Association	Strongly Oppose Mandatory Use of ASHRAE 62.1 and 62.2	The Virginia Uniform Statewide Building Code (USBC) Part I incorporates the 2015 International Mechanical Code per Section 101.2, which provides ventilation requirements for new construction in Chapter 4. ASHRAE 62.1 or 62.2, in whole, are not referenced in the USBC. In fact, the only reference is to Appendix A of ASHRAE 62.1 for system ventilation efficiency as an option and ASHREA 62.2 is not referenced at all. Aside from the incredible cost of retrofitting existing buildings in order to provide compliance to 2019 ASHRAE Standards 62.1 and 62.2, USBC Part II incorporates the 2015 International Existing Building Code per Section 101.2, which provides limited retrofit requirements referenced in Section 103.3. These retrofit requirements do not include provisions for ventilation upgrades. Code of Virginia section 36-98 states "The Board [Board of Housing and Community Development] is hereby directed and empowered to adopt and promulgate a Uniform Statewide Building Code. Such building code shall supersede the building codes and regulations of the counties, municipalities and other political subdivisions and state agencies.". The proposed ASHRAE standards are building code regulations, which are superseded by the USBC.	9/25/20 2:51 pm CommentID:86310
Nate	Opposition to a permanent standard	I am an Environmental Health & Safety Professional at a small business in Virginia who opposes making the COVID-19 Workplace Safety Emergency Standard permanent. Six months into the pandemic, I have learned to adapt to this unprecedented time by implementing safety protocols from a number of federal and state entities to ensure physical distancing and extensive sanitization. I want to keep my employees and customers safe because I care about their welfare. Now is not the time to make the emergency temporary standard permanent when it's likely this pandemic will be temporary. Imposing "one size fits all" COVID-19 regulations on all employers is unreasonable especially when guidance is continually changed as we learn more about the virus. The Board needs to take the time to see what challenges employers are facing implementing the emergency regulations before taking any further action. My company takes it responsibility for protecting its employees seriously. Making the COVID-19 emergency regulations permanent will only make a difficult situation worse for employers and employees. I remain concerned about the impact many of the provisions of the emergency regulations are having on my business and encourage the Board to not make them permanent. Respectfully, Nate	9/25/20 2:51 pm CommentID:86311
Brett Vassey, Virginia Manufacturers Association (VMA)	Emergency Temporary Standard/Emergency Regulation: COVID-19	It is unreasonable to apply "one size fits all" COVID-19 Regulations to all employers and employees. It is also profoundly inappropriate to bypass the formal regulation process altogether by attempting to codify "guidance" and Executive Orders as a reasonable replacement. Further, it is confusing why the Regulations are being pursued when § 16VAC25-220 has not been fully implemented and has so many significant problems.	9/25/20 2:54 pm CommentID:86313

		Therefore, it is the VMA's recommendation that the Board withdraw its "Intent to Adopt a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220." The VMA also requests that the Virginia Safety and Health Codes Board issue an additional sixty (60) day public comment period on 16VAC25-220 requesting that employers provide recommended improvements to the Emergency Temporary Standard (ETS) or abandon the ETS altogether and rely upon the "General Duty Clause" and Federal, State, Industry guidance to protect workers as is being effectively done in 48 other states. Finally, if the Board proceeds with Regulations, it should not consider any amendments to the Regulations that would incorporate other infectious diseases. The VMA's detailed comments exceed the characters allowed by this system and it has submitted an electronic copy of the comments to Princy Doss and Jay Withrow, Virginia Department of Labor & Industry.	
Carolyn Automotive Parts Inc/API Service Center	STRONGLY OPPOSE	I strongly oppose Covid 19 regulations becoming permanent. This would be ridiculous due to the conflicted news reports about mask issues like carbon dioxide and reduced oxygen intake we don't know the health problems this may be causing especially long term. Small businesses are already struggling to stay in business many have closed. Sales are down and expenses are up due to all of the sanitary supplies and mask we are having to buy not to mention the $1,500.00 plexiglass we had to install. This is a temporary health issue we need to get back to normal as soon as possible, do all these precautionary measures for another month or two and see where we are then.	9/25/20 2:58 pm CommentID:86314
Virginia Business Coalition	Emergency Temporary Standard/Emergency Regulation: COVID-19	The Virginia Business Coalition, a group of 33 leading business associations across the Commonwealth, oppose these Regulations. The detailed comments of the Coalition have been submitted electronically to Jay Withrow and Princy Doss, Virginia Department of Labor & Industry. Sincerely, Apartment and Office Building Association Associated Builders and Contractors -Virginia Associated General Contractors of Virginia Delmarva Poultry Industry, Inc. Hampton Roads Chamber of Commerce Harrisonburg – Rockingham Chamber of Commerce Heavy Construction Contractors Association National Federation of Independent Business 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 for Home Care and Hospice Virginia Automatic Merchandising Association Virginia Forestry Association Virginia Forest Products Association Virginia Loggers Association Virginia Manufactured and Modular Housing Association Virginia Manufacturers Association Virginia Peninsula Chamber of Commerce Virginia Poultry Federation Virginia Retail Federation Virginia Retail Merchants Association Virginia Seafood Council Virginia Trucking Association Virginia Veterinary Medical Association Virginia Wholesalers and Distributors Association Virginia Wineries Association	9/25/20 3:02 pm CommentID:86315
Beverley Ambs	DOLI standard on COVID-19	I live in a small rural Virginia town in southside Virginia that has worked very hard to struggle with the demands and standards brought forth from this pandemic. Most of our businesses are small and many of them family owned. This standard is cumbersome and poorly written. It seems to have been developed for large companies and corporations with the legal, administrative and compliance staffs to handle the regulations obviously written in legalize to purposely confuse the general public. In my small town our businesses are struggling to stay afloat and their businesses open. They are working to provide much needed services to "normalize" living here and to pay their bills and employees. They do not have time to work 10 -12 hours a day for their businesses, take care of home responsibilities and family, SLEEP, and meet these tedious standards. They are doing their best to meet the CDC and State guidelines - which they strive to be in compliance with. This is an unnecessary burden to small businesses in small communities. If this standard is so important, why was it buried in the back of the Sports section of The Richmond Times-Dispatch on July 27, 2020 and no notice on the front page of the paper about this? I agree with others that this is a burden to our businesses that are struggling with the economic burdens of this pandemic as well as the trouble staffing their businesses with competent team members. How many regulatory organizations does it take to kill the small businesses in Virginia with duplicity in standards and regulations? Where is the time and money for these standards and guidelines supposed to come from? Does the State of Virginia plan to continue to battle COVID-19 forever? If not, then why make this regulation permanent? We have not done anything like this in the past and this seems to have been developed to create busy work for our small businesses. What is this going to do to help the businesses in Virginia grow? I understand the need for guidelines, but not for multiple duplicate standards in addition. My next question is - how do you plan to monitor this - by hiring staff and costing the public and businesses funds that they already do not have?	9/25/20 3:02 pm CommentID:86316
Josh Krider	Opposed!	*I run a business in Virginia, and I oppose making the COVID-19 Workplace Safety Emergency Standard permanent.* *Six months into the pandemic, we have learned to adapt to this unprecedented time by implementing industry-specific guidance from the Governor, the Virginia Health Department, the CDC, and OSHA to ensure physical distancing and extensive sanitization. I want to keep my employees safe because I care about their welfare.* *Now is not the time to make the emergency temporary standard permanent when it's likely this pandemic will be temporary. Imposing "one size fits all" COVID-19 regulations on all employers and employees is unreasonable especially when guidance is continually changing as we learn more about the virus and how best to protect against it's spread. Knowing the temporary standard expires in February 2021, there is plenty of time for the Board to wait until we know more about how long the pandemic could last before taking any further action.* *My company takes its responsibility for protecting our employees seriously. Making the COVID-19 emergency regulations permanent will only make a difficult situation worse for employers and employees. I remain concerned about the impact many of the provisions of the emergency regulations are having on my business and encourage the Board to not make them permanent.* Respectfully, Josh Krider.	9/25/20 3:03 pm CommentID:86318
Dawn A Wright	EMERGENCY STANDARD	Now is not the time to make the emergency temporary standard permanent when it's likely this pandemic will be temporary. Imposing "one size fits all" COVID-19 regulations on all employers is unreasonable especially when guidance is continually changing as we learn more about the virus. The Board needs to take the time to see what challenges employers are facing implementing the emergency regulations before taking any further action. We have learned to adapt to this unprecedented time by implementing safety protocols from a number of federal and state entities to ensure physical distancing and extensive sanitization. We want to keep our employees and customers safe because I care about their welfare.	9/25/20 3:10 pm CommentID:86320
Mark Federici, President, United Food and Commercial Workers, Local 400	We need a strong, permanent standard to protect workers	September 25, 2020 Virginia Safety and Health Codes Board Department of Labor and Industry Commonwealth of Virginia Main Street Centre 600 East Main Street, Suite 207 Richmond, Virginia 23219 Dear Board: On behalf of the nearly 10,000 members of the UFCW Local 400 in Virginia, who have been risking their lives working on the front lines of the pandemic, we urge the Virginia Safety and Health Standards Board to promulgate a strong permanent standard which will protect workers from contracting COVID-19. We strongly support the Virginia Emergency Temporary Standard (ETS) that has been passed and enacted. It has been effective and is protecting workers from infection. All of our employers in the Commonwealth have taken steps to comply with the standard, including providing training, which has created safer workplaces. However, the ETS is set to end on January 27, 2021, and we know the threat of COVID-19 will continue. Another wave of infections is anticipated, and without permanent protections, workers will continue to be put at risk. UFCW Local 400 represents 30,000 workers in grocery stores, pharmacies, poultry and food processing, and in the seafood industry across the mid-Atlantic. To date, over 631 members of the Union have tested positive for COVID-19, including over 336 in Virginia, and 7 members have died as a result of the virus. We implore you keep these members safe going forward by passing a strong permanent standard. The following steps have been taken by UFCW employers in Virginia, since the ETS went into effect: • Classified jobs by risk category; • Directed employees to monitor for signs and symptoms of COVID-19; • Implemented, in consultation with UFCW Local 400, enhanced sick leave benefits and flexible attendance policies; • Established a system to notify employees and their union within 24 hours of their exposure to someone known to be infected with SARS-CoV-2; • Established return-to-work policies for employees known or suspected to be infected with SARS-CoV-2; • Increased physical distancing by decreasing customer shopping limits, staggering shifts, engineering controls (e.g. closing every other check stand, moving time clocks away from congested areas, one-way	9/25/20 3:12 pm CommentID:86321

		aisles at grocery stores, Plexiglas shields where physical distancing is more difficult); • Used signage and verbal announcements to promote physical distancing; • Controlled access to and expanded employee breakrooms; • Provided hand washing facilities and hand sanitizer, allowed more frequent breaks for hand washing; • Provided masks and hand sanitizer to workers utilizing shared vans to get to work; • Mandated mask wearing, provided employees with masks free of charge; • Increased the frequency of common space cleaning and sanitizing; • Implemented curbside pickup and home delivery options; • Implemented an infectious disease preparedness and response plan; • Identified the person responsible for administering the infectious disease preparedness and response plan; • Provided training on the hazards and characteristics of the SARS-CoV-2 virus and COVID-19 disease, the requirements of the emergency standard, risk factors for employees with underlying health conditions, safe and healthy work practices, PPE- best practices and limitations, and the anti-discrimination provisions of the standard; and • Implemented or aligned policies and/or contractual provisions protecting employees who exercise rights under the emergency standard from discrimination. It is important to note that not all of our employers proactively implemented these measures, and there have been times when employers were lax in enforcement. The ETS also provides our union with important **enforcement** mechanisms as well. We are in full support of a strong, permanent standard and recommend the following elements from the temporary standard be retained in the permanent standard: • The permanent standard should be based on scientific information and long-standing occupational health and safety practices. • The permanent standard should clearly articulate that SARS-CoV-2 is an airborne hazard, the protections laid out in the standard are important for controlling airborne hazards and the ventilation requirements are in line with industry standards (ASHRAE). • The permanent standard should be a programmatic standard which means each employer is required to implement a program tailored to their workplace using scientific-based and long-standing workplace control practices. • The permanent standard should include return to work requirements that align with current science. • The permanent standard should include clearly defined respiratory protection and what is required for workers who are deemed at risk. • The permanent standard should include training for all workers, risk assessment of the workplace, and infection control plans in the workplace. • The permanent standard should clearly define and require face coverings. We recommend the following elements be removed ***or*** strengthened to ensure that the standard fulling protects all workers. • The permanent standard **should not** include the CDC exception because it will make the standard easier to implement and enforce, and less prone to inconsistencies. • The permanent standard should emphasize ventilation combined with social distancing. Scientific research has found that the virus can travel as an aerosol, further than 6 feet in an indoor space, therefore the six-foot rule for social distance alone may not be enough to reduce spread of the virus. • The permanent standard should include language on medical removal for known infections, exposures, or when recommended by a medical or public health professional, with removal protections. The employer must maintain the employee's base earnings, seniority, and other rights and benefits that existed at the time of removal until cleared for return to work. • The permanent standard should strengthen the involvement of workers and labor representatives in the plan. VOSH should ensure their educational material and enforcement efforts are clear that this must be done. We strongly believe that a permanent standard simplifies things for employers, workers, and their unions. A permanent standard issued by Virginia OSHA will facilitate all parties working together to achieve the goal of protecting workers from this deadly illness. Regards, Mark P. Federici President and International Vice President	
Kyle Allwine, Fredericksburg Regional Chamber of Commerce	Fredericksburg Regional Chamber OPPOSES This Action	The health and safety of our workforce and customers is the top priority for employers in Virginia. The business community supports clear and consistent workplace health protection protocols; however, these protocols must be flexible. Every industry and work environment are different. Defining the standards that businesses must follow will require strong public-private coordination. We encourage the Virginia Safety and Health Codes Board to consider the various industry comments that you receive to ensure effective safety protocols and eliminate any potential obstacles to reopening. We are concerned that the draft emergency standards, as currently written, contain several inconsistencies with state and federal regulations. In order to avoid confusion and contradictions, we suggest the Board regulation better align with OSHA and CDC guidance. A few examples of these inconsistencies are: • The definition of employee should be limited to full/part time employees who receive W2s. (See ETS/ER COVID Regulation, Section E, Page 5) • The definition of "Medium" risk jobs should be changed to align with the OSHA definition. (See OSHA, https://www.osha.gov/Publications/OSHA3990.pdf.) • Regarding notifications, Section 7 on Page 18 should be limited to notifying individuals who had close contact, as defined by the CDC, in the two days prior to the onset of symptoms or, for asymptomatic individuals, two days prior to the positive test. (See CDC, p.23, https://www.cdc.gov/coronavirus/2019-ncov/php/contact-tracing/contacttracing-plan/contact-tracing.html.) • Regarding Return to Work, the application of the suspected definition is inconsistent. The regulation applies the Return to Work guidelines of a COVID-19 case, but then not requiring contact tracing. It should either be a case (suspected or confirmed) that is traced or not a case (Page 18). • The definition of surgical masks is inconsistent with recently published OSHA guidance. Clarification is needed to explicitly state that surgical masks are considered a form of PPE with respect to splashes/sprays of bodily fluid, not droplets. Per OSHA, the masks can be used to prevent the transmission of large droplets from the wearer, but they do not protect the wearer against airborne transmissible infectious agents (Pages 13-14). • Regarding serologic testing for COVID-19 antibodies should be removed because the CDC does not recommend employers to track or require antibody testing. Some employees may want this information, but it is unnecessarily invasive from a privacy perspective to require reporting to employers. (Section 40.A.3 on pages 16-17) • A "suspected" case should be treated the same as a COVID-19 case, but only if other criteria are also considered. There is no standard definition for a "clinical", "suspected", "presumed", or "probable" case and those terms tend to be used interchangeably. The factors generally considered are: severity and length of symptoms, result of medical evaluation, testing availability, and current community transmission. The proposed definition of "suspected" is just the list of possible symptoms, which CDC does not say is suspected but simply says may be symptoms consistent with COVID-19. Keeping all symptoms out for 10 days regardless of other considerations, is not supported by any current standard medical guideline. The intent seems to not rely solely on testing for determination, but it is overly broad to just list the CDC symptoms as the only criteria to consider. The Board should also consider the burden requiring the creation of an Infectious Disease Preparedness and Response Plan might have on small businesses in the Commonwealth. Most of these businesses have little to no experience in creating such a process document. This new standard will be costly for these businesses to hire outside professionals to create these plans. They will then have to take time to both implement and train their workforce to comply with the new standards. This is on top of the many other recently released regulations from federal, state and local governmental bodies. Lastly, we believe that enforcement of these provisions should be handled with understanding and leniency. Virginia businesses, many of which have been devastated by the economic impact of this pandemic, are working hard to remain safely operational for their workforce and customers; however, the shifting regulatory landscape continues to be a significant challenge, especially for Virginia's small businesses. As the Board implements these new emergency standards, it is our hope that they will refrain from overenforcement and not penalize businesses that have given a good faith effort in following these complicated rules that continue to change.	9/25/20 3:17 pm CommentID:86322
Dorothy A Jaeckle	I am strongly opposed to any mandate to the general population. Choice for those at risk	Wearing masks should be a choice for those at risk. At this point all the mandates and regulations should be lifted. Places and events should be given a risk level (with the underlying data that identified those risks-(tracing results, number of cases, ages, severity, deaths). Citizens should then choose where they are comfortable.	9/25/20 3:19 pm CommentID:86325
Anonymous	Department of Labor and Industry Announces Intent to Adopt a Permanent Standard for Infectious Disea	I strongly oppose this permanent standard.	9/25/20 3:21 pm CommentID:86326
Terry Sopher Sr	Yes PERMANENT regs but update to reflect latest science expertise re C19	I commend VA for planning to make permanent regulations and guidance. This is vital to recover the economy, stabilize businesses and resume effective education. Failing to institute effective management & control of C19 will result in more extended disruption of economy, more failure of businesses, & extended deprivation of income & education. Those who oppose govmt action like these proposed regulations, do not understand that FAILURE to do so will result in more economic disruption, business bankruptcy and job & income losses. IMPROVE the regulations & guidance to be fully consistent with the very latest Covid research results that provide guidance on how to more effectively manage & end the C19 pandemic in USA. I refer you to the National Academies of Sciences Aug.26-27, 2020, workshop: "Airborne Transmission of SARS-CoV-2" The latest research **confirms airborne transmission is a significant transmission source that must be properly managed if we are to end the pandemic & its disruption of economy, business, education, and community life**. [see link: Airborne Transmission of SARS-CoV-2]. Consistent with this latest medical science/research, [AND encourage more rapid recovery of VA businesses, economy, jobs, education, health infrastructure & personnel; & to prevent further loss of lives, health, livlihoods], I recommend you add an introductory section of the regs/guidance that is worded something like the following: "Our goal is to minimize transmission of C19 in order to protect citizens' health, prevent deaths, and minimize further disruption of the VA economy, businesses, jobs, education, & livlihoods. Synthesis of the latest scientific/medical research emphasizes 2 key points: (1) NO SINGLE STEP by itself will be effective in controlling C19; (2) C19's human toll & disruption of economy/business/jobs/livlihoods can best be achieved with a **combination** of simultaneous steps. That **combination of steps** includes the following: (1) universal mask wearing indoors; (2) minimum physical distancing of 6 ft., even while wearing masks; (3) effective cleaning & disinfection of surfaces; (4) indoor air filtration to at least MERV 13 level; (5) higher than normal indoor ventilation rates providing at least 6 air changes per hour to dilute any indoor air concentrations of infectious virus particles. Consistent with this scientific guidance, VA's intent is to be a leader in promoting the adoption & practice of this combination of approaches to achieve maximum & timely protection of Virginian's health and livlihood." I urge revisions of the proposed regs/guidelines to adopt and reflect the following points that are based on the latest, sound medical/science research on C19 related topics. 1. **universal** mask wearing indoors is the ONLY effective means of controlling & managing the pandemic given that (a) quick response testing is NOT widely available; (b) it may take 14-21 days for a person to develop symptoms, but they can be **infectious from day #1**; (c) many people can be either ASYMPTOMATIC or have mild symptoms mistaken for a common cold or flu; (d) it is **NOT TRUE THAT A MASK does not protect the wearer from others' viruses**; (e) normal breathing, talking, etc emits a large cloud/plume of large & microscopic particles that travel much farther than 6 ft indoors & such cloud can be very infectious if from an infected person. 2. the most effective--& preferred--filter mask/face covering for **everyone** [nonmedical] is either (a) an N95 NIOSH tested & approved disposable filtering face piece, or (b) an K95 one authorized by FDA & preferably sampl tested by NIOSH. DIY & many other masks/face coverings seldom are effective at filtering out most virus-sized particles. 3. 16VAC25-220-30 definitions section should be revised to reflect the above referenced latest science info. 4. 16VAC25-220-30 definition of AIIR needs revision to provide the following: air exhausted outside must NOT occur in the following situations: (1) where the exhausted air will be directed toward areas people occupy or frequent; (2) where exhausted air may cross contaminate the building's ventilation air intake zone. 5. definition of "Disinfectants". (a) selected EPA-registered disinfectants should AVOID those containing substances known to cause adverse health effects, such as those containing **quaternary ammonia** that is	9/25/20 3:27 pm CommentID:86327

		a known respiratory irritant. (b) This section **improperly refers to 'killing' viruses**--the correct reference would be to 'neutralizing' or making 'nonviable', given that viruses are technically NOT alive. 6. Face shields: it should be noted that face shields ONLY protect from large wet droplets, but do NOT prevent exposure to the airborne particles that can get to the eyes or be inhaled when the air plume merely goes around the edges of the shield. **Face shields must be combined with filtering face mask to effectively protect the person from inhaling airborne particles**. 7. Definition of 'face coverings': based on latest research it is **wrong** to assert that face coverings are 'not intended to protect the wearer...."	
William Cornell	Absolutely Not	This is an insane infringement upon personal liberty with no justification. The Pandemic is over. The death rates all across the world have plummeted, hospitalizations are incredibly low, and the most folks under the age of 90 will suffer mild if any symptoms. This is an outrageous abuse of power by politicians with no grasp of reality, of science, of statistics, or of the huge unintended impacts their overreaction to COVID has caused. Economic, emotional, educational, and psychological damage is real. And the masks do NOT stop the spread of COVID.	9/25/20 3:27 pm CommentID:86328
Scott Tilley, General Counsel, STIHL Incorporated	Significant concerns with proposed permanent standard	STIHL Incorporated is the largest manufacturer and one of the largest private employers in Virginia Beach. As a manufacturer of essential equipment under the CISA definition, STIHL has been following CDC guidance for critical infrastructure workers since the beginning of the pandemic. The lack of clarity in the Emergency Temporary Standard, as well as inconsistencies with the CDC and other agencies/guidance (and even within itself) have been of significant concern to manufacturers and essential employers like STIHL. The "one size fits all" approach of this standard cannot work for the diversity of businesses, and even manufacturers, in the Commonwealth. It is even more concerning that such inconsistencies and lack of clarity are making their way into the Proposed Permanent Standard. STIHL remains committed to protecting the safety of its employees while fulfilling its critical role as an essential manufacturer. Thus, for the reasons stated above, STIHL joins in the detailed comments submitted by the Virginia Manufacturers Association and the Virginia Chamber of Commerce in opposing the adoption of the Proposed Permanent Standard or at least delaying it until the detailed comments and concerns can be sufficiently addressed.	9/25/20 3:30 pm CommentID:86330
Anonymous	Strongly oppose!	I strongly oppose any more restrictions or permanent requirements in Virginia. Humans have been subjected to viruses for thousands of years. We defeat them by developing a strong immune system and herd immunity. Masks, social distancing and other lockdown measures cause more harm than good because they delay herd immunity, cause mental health issues, and cause more businesses to close due to the impossibility of maintaining these draconian measures while trying to run a business profitably. Let people take care of their own health!	9/25/20 3:32 pm CommentID:86332
Don Bright, Virginia Forest Products Association	Oppose COVID-19 Permanent Standard	Submitted Electronically Jay Withrow, Director Virginia Department of Labor and Industry 600 E. Main Street, Suite 207 Richmond, Virginia 23219 jay.withrow@doli.virginia.gov RE: Comments Regarding Department of Labor and Industry Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19. 16VAC25-220 Dear Director Withrow: The Virginia Forest Products Association ("VFPA") appreciates the opportunity to comment on the Virginia Department of Labor and Industry's Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16 VAC 25-220 (collectively, the "Regulations"). The VFPA has previously commented on the Emergency Temporary Standard; we urge you once again to align any standard with CDC and OSHA guidance. Further, we strongly oppose this proposed regulation that adopts a permanent standard for a temporary pandemic. VFPA's members are primarily small to medium-sized businesses, many of them family owned and operated and most with under 50 employees. A number of our member mills do not provide health insurance or paid sick leave; they simply cannot afford it. Any additional regulation adds to costs and imposes recordkeeping burdens that are unnecessary. The temporary regulation we are currently following is problematic in a number of areas. We are very concerned that a permanent regulation would enshrine directives that are in conflict with federal regulation and Virginia Code, and will leave our members with expensive mandates. Specifically, VFPA respectfully requests that: Section 10g should be amended to the agency's original language providing " safe harbor" for employers who follow CDC and OSHA guidance. Vague language in Section 40 be stricken regarding sick leave policies. Virginia Code does NOT require that employers provide sick leave, paid or otherwise. It is unconstitutionally vague and it exceeds the agency's statutory authority to direct insurance or benefit coverage. The agency's purview is oversight of the physical work environment; the Code has not given it oversight for for employee benefits nor the ability to cite or fine employers for not providing benefits. Language in Section 40 regarding "Return to Work" should be amended to mirror the latest CDC Guidance issued August 10 regarding the time-based return-to-work rule. The CDC now recommends at least 10 days symptom-free before returning to work, not 3 as stated in the regulation. Again, this regulation should be consistent in all ways with CDC medical guidance. Language in Section 70 ("Infectious Disease Prepardeness and Response Plan)" , Item 6, should be stricken. No business should be responsible for those not under their direct employment to comply with this regulation, nor should they be sanctioned when non-employees violate any part of this regulation. Language in Section 70 should be eliminated regarding requirements to include business considerations (e.g., how to handle supply chain issues, crosstraining to prepare for staff shortages) that have nothing to do with employee safety. Again, these internal business operational decisions are beyond the legal authority and purview of the agency. All of the language in Section 90 regarding discrimination against employees who raise concerns to the public through social media should be stricken. There is no other similar protection we are aware of for employees to distribute potentially damaging and unfounded information against an employer with impunity. The duty of employers to report positive employees to the Department of Health should be eliminated, as health care providers are already reporting this data to the Health Department. Finally, we would strongly suggest that this Permanent Standard sunsets with the Governor's State of Emergency, just as the Emergency Temporary Standard does. Again, without this sunset, regulations will be in effect for a pandemic that, with the advent of a vaccine, will no longer be necessary. In closing, we would like to reiterate our opposition to a permanent standard for COVID-19. However, should a permanent standard be adopted we strongly urge a sunset provision with the specific changes cited above. Thank you for this opportunity to comment. Sincerely, Don Bright Chairman	9/25/20 3:34 pm CommentID:86333
Anonymous	Strongly oppose this issue!	I strongly oppose the creation of even more restrictions and regulations. These lockdowns, masks and social distancing are creating an even bigger medical crisis related to mental health, suicide, delayed medical treatments, domestic violence, and others. Businesses cannot operate the way they want and the cost of trying to maintain these ridiculous mandates are causing many to go out of business and therefore causing a budget shortfall due to lack of tax revenue. Let people and businesses take care of themselves. We the people do not want you imposing any restrictions on our life, liberty and pursuit of happiness!	9/25/20 3:36 pm CommentID:86334
Anonymous	Strongly oppose	Strongly oppose	9/25/20 3:38 pm CommentID:86335
Anonymous	Very much opposed!	I am strongly opposed to any further restrictions or regulations causing hardships for businesses and individuals. We have survived many viruses in the past, and we do not need the government interfering in businesses any more. Small business can barely survive under the restrictions already in place. Let everyone alone and let us get back to normal-and never, ever do this again! Our constitutional rights are not diminished just because there is a virus.	9/25/20 3:40 pm CommentID:86337
Janet Wainwright UFCW local 400	Protect workers	ensure customers and workers wear mask or shields. Protect workers jobs if they contract the disease. Employer checks temps of all employees. free testing by employers	9/25/20 3:42 pm CommentID:86338
Gloria Wolcott	that mandates additional requirements for Virginia employers related to workplace safety due to COVI	NO WAY. THIS IS WRONG. THIS IS SOCIALISM MANDATE AND I STRONGLY OPPOSE!!!	9/25/20 3:42 pm CommentID:86339
Anonymous	DOLI rules permanent	STRONGLY OPPOSED.	9/25/20 3:44 pm CommentID:86340
Anonymous	STRONGLY OPPOSED	STRONGLY OPPOSED	9/25/20 3:45 pm CommentID:86341
David Hutton	Strongly opposed to these regulations.	Strongly opposed to these regulations. Very detrimental to small businesses in the Commonwealth.	9/25/20 3:45 pm CommentID:86342
Debbie Berkowitz National Employment Law Project	We strongly Support A Permanent Standard	Dear Commissioner Davenport and Members of the Safety and Health Codes Board, The National Employment Law Project (NELP) submits the following comments in strong support of the adoption of a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus that Causes COVID-19, 16 VA 25-220. This standard must be applicable to every employer, employee, and place of employment in the Commonwealth of Virginia within the jurisdiction of the Virginia Occupational Safety and Health Program. We urge the Virginia Safety and Health Codes Board and the Department of Labor and Industries to adopt as permanent the current Emergency Temporary Standard[i] on COVID-19 with a few recommended changes to strengthen the rule. NELP is a non-profit law and policy organization with 50 years of experience providing research, advocacy, and public education to advance the employment and labor rights of the nation's workers. NELP seeks to ensure that all employees, and especially the most vulnerable ones, receive the full protection of employment laws, including health and safety protections. NELP's Worker Health & Safety Program Director, Deborah Berkowitz, is a former OSHA official and expert in OSHA enforcement and health and safety standards. NELP works with unions such as the United Food and Commercial Workers Union and the International Brotherhood of Teamsters in Virginia (VA), as well as VA based community and worker rights organizations such as Virginia Legal Aid Justice Center and the Virginia Interfaith Center for Public Policy. NELP also works with employers through the American Sustainable Business Council. In this pandemic, protecting workers from exposure to COVID-19 at work will ensure that workplaces don't become vectors of COVID-19 infection that then spread back out into the community. This week, we mark the startling fact that our nation has now seen over 200,000 deaths from COVID-19 and 6.9 million cases,[ii] a clear sign the virus is not disappearing. The number of deaths continues to climb, as do outbreaks nationwide and in Virginia. Without permanent protections at work, workers will be at unnecessary risk. NELP urges the Board and DLI to do their job and protect workers and the public by implementing a permanent standard. We have seen firsthand in just a few short months since it went into effect, how the Virginia Emergency Temporary Standard for COVID-19 has protected workers. For example, NELP provided technical assistance in a situation where workers were very concerned about unsafe conditions related to COVID-19, and then they read the standard and realized their employer had an obligation to provide certain protections and raised these issues. In addition, we are aware of a complaint filed right after the standard was implemented that alleged violations of the standard. It resulted in immediate changes in the workplace once Virginia OSH began its inspections. The Emergency Temporary Standard (16VAC25-220) is a common-sense standard based on science and long-standing effective occupational health and safety practices. We support all the key protective provisions of the standard that seamlessly work together to create a strong and effective standard (Section 10 through Section 90), including the requirement for assessing	9/25/20 3:49 pm CommentID:86344

		the workplace for hazards and job tasks that can potentially expose employees to COVID-19; the return to work protective requirements; the notification requirements of positive cases to workers, health departments, tenants, and VOSHA; requirements for cleaning and disinfecting; requirements to provide handwashing /hand sanitizers; the comprehensive anti-retaliation language in 16VAC25-220-90; and the requirements for ventilation, physical distancing, masks, protective equipment and training. Virginia must make this standard permanent. We strongly support the adoption of the Emergency Temporary Standard as a permanent standard with the following suggestions: 1. Delete 16VAC25-220-10 G. This clause must be deleted so that it is clear to all covered businesses that they must comply with this standard. Standards are set so workers though out the state are guaranteed a certain level of uniform protection. Employers are always free to implement more protective measures. This clause is confusing to both workers and employers about what is required, and this must be deleted from the standard.[iii] 2. Include in 16VAC25-220-40 C the requirement that workers who have been in close contact with someone who has COVID-19 shall not report to work until they have quarantined for 14 days per CDC guidance.[iv] This must include a requirement that the employer must provide up to two weeks of paid reassignment or sick leave in addition to whatever benefits to which the worker would otherwise be entitled (such leave will be provided at 40 hours per week for full-time employees and on a pro-rata basis for part time employees.) We thank you for your time and consideration. Since early February, we have known that COVID-19 has been spreading in the workplace. Though all workers either on the job now, or returning to work in the near future, are at risk of illness and death, Black and Latinx[v] workers and other workers of color, including immigrants, are more likely to be in frontline jobs and these communities have disproportionate rates of serious illness and death related to COVID-19. If exposure to COVID -19 is not mitigated at work, it will continue to spread in the workplace and then back out into the community. The Virginia Safety and Health Codes Board and the DLI must do their job and approve this standard to protect workers in the great state of Virginia, and thus all Virginians. Sincerely, Debbie Berkowitz, Worker Safety and Health Program Director National Employment Law Project Dberkowitz@nelp.org www.nelp.org [i] https://www.doli.virginia.gov/wp-content/uploads/2020/07/Proposed-Permanent-Standard-for-Infectious-Disease-Prevention-for-COVID-19-7.24.2020.pdf [ii] https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html [iii] This is the clause that NELP urges the Board and the Department of Labor and Industries to delete: 16VAC25-220-10 G. 1. To the extent that an employer actually complies with a recommendation contained in CDC guidelines, whether mandatory or non-mandatory, to mitigate SARS-CoV-2 virus and COVID19 disease related hazards or job tasks addressed by this standard, and provided that the CDC recommendation provides equivalent or greater protection than provided by a provision of this standard, the employer's actions shall be considered in compliance with 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 COVID19 related hazards or job tasks addressed by this standard shall be considered evidence of good faith in any enforcement proceeding related to this standard. [iv] https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/quarantine.html [v] https://www.nelp.org/publication/testimony-rebecca-dixon-examining-liability-covid-19-pandemic/	
Hampton Roads Association for Commercial Real Estate	Amend to Include Termination Date or Terminating Event	Friday, September 25, 2020 **HRACRE REQUEST TO AMEND THE REGULATION** Virginia Department of Labor and Industry 600 East Main Street, Suite 207 Richmond, Virginia 23219 Ladies and Gentlemen: Thank you for the opportunity to comment on the Virginia Department of Labor and Industry's ("DOLI") recommended regulations adopting a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16 VAC 25-220 (the "Regulation"). This comment letter is provided on behalf of the Hampton Roads Association for Commercial Real Estate ("HRACRE"). As the primary representative for the commercial real estate industry in the Hampton Roads area, HRACRE has 458 members who will be directly impacted by any unintended consequences from extensions of COVID-19 regulations. As is expected of the commercial real estate industry, safety is a top priority, and HRACRE continues to support legislation and regulations that protect individuals from this deadly pandemic. An overly broad approach to infection mitigation, however, will inflict unnecessary damage on an already burdened industry. HRACRE strongly advises the board that it is unreasonable to apply the Regulation for an open-ended time frame. The current Regulation proposes that COVID-19 safety regulations would last without any official termination date or date for reevaluation. This type of open-ended regulation would unnecessarily burden the commercial real estate industry. Further, the lack of a termination date requires DOLI to engage in this same laborious rule making process to end the regulations once the COVID-19 pandemic subsides. A simple amendment causing the Regulation to sunset with the Governor's State of Emergency Declarations would achieve several goals: 1) give the commercial real estate industry clarity and security on which to plan operations, and 2) provide the government with a self-imposed duty to reevaluate the need for the Regulation. Therefore, HRACRE recommends that the board **amend the Regulation to terminate simultaneously with the expiration of the Governor's State of Emergency Declarations**. Sincerely, Hampton Roads Association for Commercial Real Estate (HRACRE) 291 Independence Boulevard, Suite 223 Virginia Beach, Virginia 23462	9/25/20 3:51 pm CommentID:86345
Tom Klancer	Strongly support	Face coverings are shown to be the most effective defense we have against the spread of COVID-19. The people of Virginia must be able to trust that they can stay safe while continuing to keep the economy afloat. The proposed protections will help keep employees, employers, and the general public safe.	9/25/20 3:52 pm CommentID:86346
Jane Elliot	Completely Opposed to COVID permanent standards!	I am completely opposed to making Covid restrictions a permanent regulation. These current restrictions have produced nothing but negative effects on individuals, families, society, businesses, and most importantly, worship services. Please stop these stifling restrictions before our way of life is completely destroyed. Never mind the "New" normal—return America to the old, much better normal.	9/25/20 3:54 pm CommentID:86347
Vanessa Patterson, Richmond Area Municipal Contractors Association	Heavy Construction STRONGLY OPPOSES Adopting a Permanent Standard	**Heavy Construction Strongly Opposes Adopting a Permanent Standard** Members of the Safety and Health Code Board, The Richmond Area Municipal Contractors Association (RAMCA) represents companies in heavy construction and their associate partners who provide products and services to the industry. For 55 years, RAMCA has worked cooperatively on a broad range of important issues relating to the infrastructure needs of the Commonwealth. RAMCA provides a forum designed to improve the business practices and the construction environment in which our employees work. The health and safety of our employees is our highest priority. On behalf of RAMCA, I oppose adopting a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus that Causes COVID-19, 16VAC25-220. • Construction is an essential industry. As such, our members have been performing critical work from the onset of the pandemic. The health and safety of all employees and the community around us is the top priority of our companies. Promoting a culture of safety is a primary operating principle of our employers. The industry, already regulated under multiple federal and state occupational health and safety programs, began implementing CDC and OSHA Guidelines for COVID-19 in the construction workplace as soon as they were published. • Virginia's Emergency Temporary Standard (ETS) for COVID-19 became effective four and a half months after the State of Emergency was declared and ensuing Executive Orders took affect. During those months, the construction industry implemented critical safety measures to ensure the health of their employees. The federal guidelines for construction were working. • What was believed to be true about the transmission of SARS-CoV-2 virus in April, when the ETS was proposed to the Administration, has changed, rendering the ETS outdated. As the ETS was not effective until July 27, 2020, our industry had long been operating successfully under the CDC and OSHA guidelines. • As the science has changed, the ETS has not, nor do they have the flexibility to do so as either science changes or innovation occurs. As an example, the disinfection standard requirements are based on practices that now may not provide meaningful reduction in transmission. The disinfection standards for tools and equipment are burdensome and time consuming. An hour a day or more is spent by each crew in some cases. Procurement of necessary disinfection items is time consuming, distracts from other job functions, and supply chain issues still impact the ability to obtain disinfectant approved for use against SARS-CoV-2 as defined in16VA25-220-30. • The cost to the industry, employing 184,490[1] Virginians, to train all employees on the symptoms of COVID-19 and transmission of the SARS-CoV-2 Virus (16VAC25-220-80) at a mean hourly wage of $24.49[2] for an average of one hour, is an industry wide expense of $4.5M. After four and half months of Virginians living during the pandemic with the nonstop coverage, the symptoms and transmission information were widely known rendering this requirement unnecessary. • The cost to the industry of the training requirements of the Infectious Disease Preparedness and Response Plan (16VAC25-220-70), for all 184,490 employees for an additional hour is an added $4.5M expense for an industry-wide total of $9.0M of training expenses.This does not include the cost of time and labor to create individual company plans of approximately 40 hours by a supervisory level employee. To have placed this financial burden on the industry is unconscionable, particularly during a time of high unemployment in the state due to business closures mandated by Executive Orders	9/25/20 3:54 pm CommentID:86348

		from the administration. The industry has a critical shortage of qualified workers and those funds could be spent training and hiring unemployed workers. The industry would have been better served investing those funds in workforce development and training programs such as the Heavy Equipment Operator (HEO) programs in the community college system that serves as a pipeline of candidates for well-paying jobs in heavy construction. $9.0M is a year of salary for 180 new employees including tuition reimbursement for the 12-week certification. • The ETS require non-medically trained individuals to be in the health screening business. Daily screenings add another 30 minutes at the start of a shift. Multiply that by every shift of every crew and less work is being accomplished across the Commonwealth. Individuals must take accountability for their own health and not report to work if they are exhibiting symptoms of COVID-19. It's been over six months; Virginians should be very well aware of COVID-19 symptoms. RAMCA member companies have generous paid sick leave policies that cover COVID-19 absences. This relieves the employee of being forced to choose between working and staying home. These daily screenings take crew leaders away from performing their other job duties, impacting overall productivity. • The nature of the construction bidding process did not allow companies to properly bid jobs to include the increased costs of disinfecting materials, man hours spent cleaning and the man hours necessary to perform health screenings. If these burdensome standards become permanent and lack the flexibility to change with the science, future bids will include these increased costs of doing business, ultimately increasing costs of future projects for the Commonwealth. • Construction job tasks falls into the "Low" and "Medium" (16VAC25-220-30) exposure category. The ETS use "Grave" danger to regulate **ALL** businesses in Virginia, yet the great majority of deaths in the Commonwealth were patients over 70 years old. On September 23rd, 2020 the Virginia Department of Health (VDH) Dashboard reported 79% or 2269 of the 2882 reported deaths were 70+. It is unlikely many of those over the age of 70 were actively still in the workforce. Of the total 2882, the remaining 613 deaths over the 6 month period represent a .007% death rate in Virginia based on the population of 8,536,000[3]. Further as of September 23rd, 54% or 1556 deaths were patients in long-term care and correctional facilities. As not all of the 1556 deaths fall into the over 70 category, it is likely that less than 613 deaths were ***potentially*** working Virginians. Employment data or how and where exposure occurred is not included in the reporting. • With the likely death rate for working Virginians to be less than .007%, the definition of "Grave" danger used to regulate **ALL** businesses in Virginia, must be reviewed. There is no empirical evidence that "Low" and "Medium" risk workplaces present a "grave" danger to employees. In fact, as the ETS has been in place for less than 2 months, the CDC and OSHA guidelines the Construction industry has been using for the past six months have effectively protected the health and safety of our workers. Further, I am firmly opposed to any amendment to include other flus, viruses, cold or other communicable diseases in any permanent standard. There is no one-size fits all plan to combat a wide variety of infectious illnesses. The ETS is burdensome, obsolete, difficult to enforce, costly in time and money, and lacks the flexibility to adapt to current science and innovation. I am strongly opposed to the adoption of these as a Permanent Standard for what is a temporary health emergency. The construction industry remains committed to the safety of our workers and the citizens of the Commonwealth. I welcome the opportunity to work with all stakeholders to develop any necessary policies regarding the health and safety of workers in the construction industry. Thank you for the opportunity to publicly comment. Best Regards, Vanessa L Patterson Vanessa L. Patterson Executive Director ***"Digging and Building in Central Virginia for 55 Years"*** [1] U.S Bureau of Labor Statistics 2019 State Occupational Employment and Wage Estimates, Virginia [2] U.S Bureau of Labor Statistics 2019 State Occupational Employment and Wage Estimates, Virginia [3] 2019 United States Census Bureau	
Kim Pierpoint, Pierpoint Construction, Inc.	Opposed to permanant COVID 19 restrictions	I am opposed to making the emergency face covering restrictions permanent. Businesses should be allowed to make safety decisions for their customers based on health data provided. For example if safe distancing is practiced, the face masks are not necessary. If employees have separated work spaces, masks are not necessary.	9/25/20 3:56 pm CommentID:86349
Kristal Rose	Strongly oppose	I strongly oppose making the wearing of masks a permanent mandate! Masks do little to protect against the spread of viruses and have greatly increased the crime rates. I fear for my children every time we have to go to a store wearing masks, their identity is covered and human trafficking is rampant in our country. Also larceny, shoplifting, and crime in general has increased since mandating the wearing of masks. In fact, wearing a mask in public was illegal until recently for good reason and needs to be made that way again!	9/25/20 3:56 pm CommentID:86351
Karen Winstead	No Mask Mandates	As a health care provider and a citizen of Virginia, I am totally against any mandate for any type of health care prevention or treatment. The reports coming from the CDC and our own VDH show that even when the numbers testing Covid positive are increasing, the actual numbers of people sick with Covid requiring hospitalization remains minimal. Covid is not a health care emergency and even in the event that it was, the mandate to wear masks and social distance should be left to the individual based on their individual health status, philosophy of health, and the recommendations of their health care provider. The state government has NO role in mandating individual's health practices or beliefs.	9/25/20 4:01 pm CommentID:86353
Burgess Inspections, Inc.	Adopting 16VAC25-220 as permanent regulations	As a small business owner I request the board to reject adopting the temporary standard as a permanent regulation. The CDC recommendations regarding safety protocols for COVID-19 have changed numerous times as they have leaned more about the virus. It is not practical to create a permanent regulation while science of the virus continues to unfold. The permanent requirements would restrict employers flexibility to make necessary changes when new safety recommendations are issued. I recommend Virginia follow recommended safety protocols issued by the CDC and OSHA.	9/25/20 4:04 pm CommentID:86354
David Neubeiser, ACS	Strongly Oppose!	No new regulations. I am completely opposed to making Covid restrictions a permanent regulation. These current restrictions have produced nothing but negative effects on individuals, families, society, businesses, and most importantly, worship services.	9/25/20 4:04 pm CommentID:86355
Vanessa Patterson, Precast Concrete Association of Virginia	Precast Concrete Industry Strongly Opposes Adopting a Permanent Standard	Members of the Safety and Health Code Board, The Precast Concrete Association of Virginia (PCAV) represents companies in the precast concrete industry that produce essential products to support the infrastructure needs of the Commonwealth. On behalf of the PCAV, I oppose adopting a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus that Causes COVID-19, 16VAC25-220. • The producers of precast concrete products and the associate partners who provide necessary elements used in the manufacturing process, are a critcal part of the Construction industry. Construction is an essential industry and as such, our members have been manufacturing critical infrastructure related products from the onset of the pandemic. The health and safety of all employees and the community around us is the top priority of our companies. Promoting a culture of safety is a primary operating principle of our employers. The industry, already regulated under multiple federal and state occupational health and safety programs, began implementing CDC and OSHA Guidelines for COVID-19 in the construction workplace as soon as they were published. • Virginia's Emergency Temporary Standard (ETS) for COVID-19 became effective four and a half months after the State of Emergency was declared and ensuing Executive Orders went into affect. During those months, the PCAV members implemented critical safety measures to ensure the health of their employees. The federal guidelines for construction were working. • What was believed to be true about the transmission of SARS-CoV-2 virus in April, when the ETS was proposed to the Administration, has changed, rendering the ETS outdated. As the ETS was not effective until July 27, 2020, our industry had long been operating successfully under the CDC and OSHA guidelines. • As the science has changed, the ETS have not, nor do they have the flexibility to do so as either science changes or innovation occurs. As an example, the disinfection standard requirements are based on practices that now may not provide meaningful reduction in transmission. The disinfection standards for tools and equipment are burdensome and time consuming. An hour a day or more is spent by each crew in some cases. Procurement of necessary disinfection items is time consuming, distracts from other job functions, and supply chain issues still impact the ability to obtain disinfectant approved for use against SARS-CoV-2 as defined in16VA25-220-30. • The costs to the industry, employing 184,490[1] Virginians, to train all employees on the symptoms of COVID-19 and transmission of the SARS-CoV-2 Virus (16VAC25-220-80) at a mean hourly wage of $24.49[2] for an average of one hour, is an industry wide expense of $4.5M. After four and half months of Virginians living during the pandemic with the nonstop coverage, the symptoms and transmission information were widely known rendering this requirement unnecessary. • The cost to the industry of the training requirements of the Infectious Disease Preparedness and Response Plan (16VAC25-220-70), for all 184,490 employees for an additional hour is an added $4.5M expense for an industry-wide total of $9.0M of training expenses. This does not include the cost of time and labor to create individual company plans of approximately 40 hours by a supervisory level employee. To have placed this financial burden on the industry is unconscionable, particularly during a time of high unemployment in the state due to business closures mandated by Executive Orders from the administration. $9.0M would be a year of salary for 180 new employees. • The ETS require non-medically trained individuals to be in the health screening business. Daily screenings add another 30 minutes at the start of a shift. Multiply that by every shift and less work is being accomplished across the Commonwealth. Individuals must take accountability for their own health and not report to work if they are exhibiting symptoms of COVID-19. It's been over six months; Virginians should be very well aware of COVID-19 symptoms. PCAV member companies have generous paid sick leave policies that cover COVID-19 absences. This relieves the employee of being forced to choose between working and staying home. These daily screenings take leaders away from performing their other job duties, impacting overall productivity. • If these burdensome standards become permanent and lack the flexibility to change with the science, future product pricing will include increased costs of doing business, ultimately increasing costs of future projects for the Commonwealth. • Construction job tasks falls into the "Low" and "Medium" (16VAC25-220-30) exposure category. The ETS use "Grave" danger to regulate **ALL** businesses in Virginia, yet the great majority of deaths in the Commonwealth were patients over 70 years old. On September 23rd, 2020 the Virginia Department of Health (VDH) Dashboard reported 79% or 2269 of the 2882 reported deaths were 70+. It is unlikely many of those over the age of 70 were actively still in the workforce. Of the 2882, the remaining 613 deaths over a 6 month period represent a .007% death rate in Virginia based on the population of 8,536,000[3]. Further as of September 23rd, 54% or 1556 deaths were patients in long-term care and correctional facilities. As not all of the 1556 deaths fall into the over 70 category, it is likely that less than 613 deaths were ***potentially*** working Virginians. Employment data or how and where exposure occurred is not included in the reporting. • With the likely death rate for working Virginians to be less than .007%, the definition of "Grave" danger used to regulate **ALL** businesses in Virginia, must be reviewed. There is no empirical evidence that "Low" and "Medium" risk workplaces present a "grave" danger to employees. In fact, as the ETS has been in place for less than 2 months, the CDC and OSHA guidelines the Construction industry has been using for the past six months have effectively protected the health and safety of our workers. In addition, I am firmly opposed to any amendment to include other flus, viruses, cold or other communicable diseases in any permanent standard. There is no one-size fits all plan to combat a wide variety of infectious illnesses. The ETS is burdensome, obsolete, difficult to enforce, costly in time and money, and lacks the flexibility to adapt to current science and innovation. I am strongly opposed to the adoption of these as a Permanent Standard for what is a temporary health emergency. The construction industry remains committed to the safety of our workers and the citizens of the Commonwealth. I welcome the opportunity to work with all stakeholders to develop any necessary policies regarding the health and safety of workers in the precast concrete sector of the construction industry. Thank you for the opportunity to publicly comment. Best Regards, Vanessa L Patterson Vanessa L. Patterson Executive Director ***"Dedicated to the Growth of the Precast Concrete Industry"*** [1] U.S Bureau of Labor Statistics 2019 State Occupational Employment and Wage Estimates, Virginia [2] U.S Bureau of Labor Statistics 2019 State Occupational Employment and Wage Estimates, Virginia [3] 2019 United States Census Bureau	9/25/20 4:10 pm CommentID:86359
Anonymous	Standard recommendations	Even for a public health organization like ours, it's a significant effort to pull together the plan and the training within 60 days, even though we were already doing everything required in the plan. Please consider provided a grace period (perhaps 30 days) for finalization of the plan and implementation of the training on the plan, especially if we can provide documentation that the policies and practices outlined in the plan were largely already in effect. Our organization employs contact tracers. Contact tracers are specifically referenced in the Standard among jobs that have direct personal contact. While in some jurisdictions, contact tracers are going door to door, this is not so much the case in Virginia. Most contact tracing is done by telephone across the country and in Virginia. I would suggest changing the references to contact tracers to community outreach workers. Thank you.	9/25/20 4:11 pm CommentID:86360
Anonymous	I oppose making DOLI regulations permanent	I oppose making DOLI regulations permanent.	9/25/20 4:12 pm CommentID:86361
J.R. Mallory, Mallory Electric Co.	Strongly Oppose	To whom it may concern, We are an electrical contracting company in VA and we are strongly opposed to making this standard permanent. Having been labeled an essential business, we have remained open and operating throughout the duration of the COVID-19 pandemic. Countless man hours have been lost implementing additional safety measures, writing plans directed specifically at COVID-19 related risks, and changing work processes to adhere to safety requirements. Management has had to dedicate time to interpret vague and subjective requirements of this standard.	9/25/20 4:13 pm CommentID:86362

		All of these have resulted in the following: Increased overhead costs reduced production delayed project completions increased safety risks in hot weather Our stance is that this is an infringement on individual and corporate rights by the state of VA. Sincerely, J.R. Mallory, Mallory Electric Co.	
Joe Lerch	VACo Comments on Proposed Permanent Standard for COVID -19 Infectious Disease Prevention	On behalf of the Virginia Association of Counties (VACo) I offer the following comments regarding the proposed permanent standard: (1) The standard is to protect the health and safety of employees for a disease with currently no available vaccine and limited effective treatment. The entirety of the standard includes numerous requirements that will be unnecessary once the pandemic ends. Given such, and the practical and financial implications associated with this eventuality, VACo recommends consideration be given to incorporating a provision into the permanent standard that suspends the requirements once the spread and impacts of the virus have been limited; (2) The requirements for the implementation of "return to work" procedures are too prescriptive for a situation where testing and monitoring for symptoms of the virus continues to evolve. VACo recommends that counties as employers only be required to adhere to the latest Virginia Department of Health (VDH) guidance that includes a decision tree to use in determining next steps for employees who are sick and may or may not get a COVID test; and (3) The requirement that air handling systems, at a minimum, comply with ANSI/ASHRAE standards 62.1 and 62.2 (ASHRAE 2019a, 2019) is neither technically or financially feasible for our members. Additionally, this 2019 standard has yet to be incorporated in the Virginia Building Code. VACo recommends that the requirement only be that a facility's current air handling system be maintained in accordance with manufacturers instructions. Thank for you for the opportunity to comment on the proposed standard. Regards, Joe Lerch, VACo Director of Local Government Policy	9/25/20 4:13 pm CommentID:86364
Andrew Washintgon, Executive Director of AFSCME District Council 20	Strongly Support the Proposed Permanent Standard	Dear Safety and Health Code Board: The American Federation of State, County and Municipal Employees (AFSCME) District Council 20 strongly supports the proposed permanent standard for Infectious Disease Prevention: SARS-CoV-2 the Virus That Causes COVID-19. We urge you to adopt and implement a permanent standard that includes the changes we recommend. AFSCME District Council 20 represents public service employees in Virginia. Our members include healthcare workers, bus operators, maintenance technicians, custodians and more. We advocate for fairness in the workplace, excellence in public services and freedom and opportunity for all working families. An important part of our mission is to advocate for our members in their workplaces, including their health and safety. Frontline workers are crucial in the fight against COVID-19, and they need and deserve adequate protections. Since the pandemic began, District Council 20 has surveyed public service workers about their employers' responses to COVID-19 and whether those efforts have been enough to keep essential workers safe on the job and adequate to support those who have been teleworking. Public workers have raised their concerns of inadequate safety measures and supplies of personal protective equipment. We applaud the Board's efforts to adopt a permanent standard. Mere guidelines and recommendations for protecting workers against COVID-19 have not and will not provide the level of protection workers need. Given the continuing threat that COVID-19 poses to Virginia's workers, the Board and the Virginia Occupational Safety and Health program (VOSH) should move quickly to adopt the proposed permanent standard. In adopting a final standard, we urge you to make the following improvements: • Eliminate §16VAC25-220-10. G.1. — the proposed standard's safe harbor that deems an employer's compliance with CDC recommendations for mitigating SARS-CoV-2- and COVID-19- related hazards or job tasks addressed by this standard as constituting compliance with the standard. The standard must be a mandatory requirement that supersedes any recommendations or guidelines. • Adopt additional employer recordkeeping requirements, including: 1. COVID-19 Exposure Logs. 2. Records of PPE stockpile (inventory) and availability. In addition to adopting a permanent standard, it is essential that VOSH show that it is committed to enforcing it. Although the COVID-19 Emergency Temporary Standard (ETS) established strong worker protections[1] that addressed employer and employee communication regarding COVID-19 cases, we note that some employers are failing to communicate with employees. For example, the City of Norfolk's Department of Utilities did not notify its workers that one of the Department's employees had contracted COVID-19. The union learned of this case separately after that employee had died from the disease. Going forward, it will be important for VOSH to address employer noncompliance by actively enforcing the ETS and permanent standard. While the focus today is necessarily on the current pandemic, new infectious diseases will continue to emerge, threatening the safety of workers, their families and our community. To prepare for and protect against when that happens, we also urge you to apply the lessons of today to develop and adopt a separate permanent standard that would apply to all infectious diseases. The proposed standard is an important step forward for working people in Virginia. It will help protect workers, their families and our communities from this virus and reopen the economy safely. Therefore, AFSCME District Council 20 urges the Board to take immediate action to adopt and enforce the Infectious Disease Prevention: SARS-CoV-2 Virus that Causes COVID-19 and incorporate the improvements we have recommended. We appreciate the opportunity to provide these comments. If you have any questions, please feel free to contact me. Sincerely, Andrew Washington Executive Director AFSCME DC 20 [1] The Emergency Temporary Standard (ETS) established strong worker protections that addressed employer and employee communication regarding COVID-19 cases, however, some employers are resisting to communicate with employees of suspected or confirm COVID-19 cases.	9/25/20 4:14 pm CommentID:86365
Anonymous	STRONGLY OPPOSED to permanent SARS-CoV-2 standard	Why would a permanent standard for work place polices regarding SARS-CoV-2 be put into place at this stage in the pandemic? The current policy makes perfect sense as we attempt to slow the spread of the virus and reduce the chance for anyone to contract it. It does not make sense for that policy to be made permanent while several vaccines are in stage 3 clinical trials and many experts predict that a successful vaccine will be available in 2021. I suggest extending the current standard from 6 months to 1 year post-inception, and then reassess the need/timeline at that time.	9/25/20 4:14 pm CommentID:86366
Anonymous	I oppose making DOLI regulations permanent	**I oppose making DOLI regulations permanent.**	9/25/20 4:15 pm CommentID:86367
Donna Grebas	ABSOLUTELY OPPOSED!	This is an unconstitutional power grab by leftist bureaucrats who like nothing better than to try and take away our Constitutional rights! I am ABSOLUTELY OPPOSED to this. No. No. No. We will not comply with draconian rules made by unelected OR elected officials.	9/25/20 4:16 pm CommentID:86369
R.L. Mallory, Westwood Apartments	Strongly Oppose	To whom it may concern, We are an an apartment complex in Hampton, VA that provides our own management and maintenance and we are strongly opposed to making this standard permanent. Having been labeled an essential business, we have remained open and operating throughout the duration of the COVID-19 pandemic. Countless man hours have been lost implementing additional safety measures, writing plans directed specifically at COVID-19 related risks, and changing work processes to adhere to safety requirements. Management has had to dedicate time to interpret vague and subjective requirements of this standard. All of these have resulted in the following: Increased overhead costs reduced production delayed project completions increased safety risks in hot weather Our stance is that this is an infringement on individual and corporate rights by the state of VA. Sincerely, R.L. Mallory, Westwood Apartments	9/25/20 4:18 pm CommentID:86370
Tom Tracy, Virginia Turfgrass Council	Concerns	The Virginia Turfgrass Council represents a multibillion-dollar Virginia industry. Our members and affiliates nurture the entire green environment. From sports fields to wildlife meadows, from home landscapes to living roofs, and from golf courses to wetlands, our industry is hard at work. I am writing on their behalf to express concerns regarding the proposed Permanent Standard Infectious Disease Prevention for the SARS-CoV-2 Virus that Causes COVID-19. Our primary concern lies not with the need to protect customers, employees, and employers from the virus. Months of proactive steps taken by turfgrass and landscape businesses clearly reveal our commitment to that need. In early spring, when Governor Northam was contemplating shutting down certain business activities in order to protect Virginians, our industry was allowed to continue operating. Lawns were cut, landscapes were installed and maintained, sensitive environmental sites were protected, and many other services were preformed while adhering to – or even surpassing – SARS-CoV-2 safety recommendations and mandates. The precedence of converting a temporary, emergency measure designed for a specific virus to a permanent mandate concerns us. While the SARS-CoV-2 virus will likely not fully disappear, its impact on our society will diminish. Effective vaccines currently being developed will become widely available and treatment options will continue to improve. Experts predict at least one vaccine will be approved and distributed within the year. Treatment options for persons with COVID-19 have vastly improved since the pandemic began. In the coming months, treatment options will increase to minimize the virus' effects. The turfgrass and landscape industries applaud the Department of Labor and Industry for its work in protecting Virginians. The Emergency Temporary Standard enacted on July 27 is just one example of that great work. Going forward, we ask the Department of Labor and Industry to look to the future. Please do not lock the entire state into a permanent set of regulations tied to particular methodology applicable at a particular point in history designed for a specific disease. Tom Tracy Executive Director, Virginia Turfgrass Council	9/25/20 4:18 pm CommentID:86371
James Lundt	No mask	I strongly oppose any further move to deprive Americans of their rights as citizens. No one has provided scientific evidence that masks or facial coverings do anything to prevent infections outside of a sterile environment.	9/25/20 4:19 pm CommentID:86372
Anthony Grebas	Burden on liberty	It is a great travesty for liberty when government feels it can mandate any restrictions on a free people.	9/25/20 4:19 pm CommentID:86373
Anonymous	STRONGLY OPPOSED to	I strongly oppose making this very burdensome requirements on business owners permanent. Small business is the backbone of this economy and these requirements are not only very difficult to enforce but in	9/25/20 4:19 pm

	making COVID-19 ETS PERMANENT!	addition, put a great deal of liability and additional cost on the small business owner. This COVID-19 pandemic has been brutal on small business. Please don't exacerbate this pain with permanent restrictions and burdensome requirements on small business.	CommentID:86374
Andi Scott	Strongly Opposed! Protect our freedoms!	Wearing masks have been more harmful to our health. I consulted a doctor in Chesterfield and skin rashes and weakened lungs due to jobs that require face coverings. Allowing the opportunity to breathe normally without face coverings will not increased the likelihood of deaths, but will allow our immune systems to fight all viruses, including covid-19. I strongly oppose making face coverings permanent.	9/25/20 4:22 pm CommentID:86375
Craig Spiering	End Covid Restrictions and Mask Mandates	Virginia businesses and citizens are suffering. End restrictions limiting gatherings and customer amounts. End mask restrictions. None of these measures have been scientifically proven to be effective to prevent the spread of this virus, but they have been effective at putting people out of work, closing business and causing citizens to walk around in an unnecessary state of fear.	9/25/20 4:24 pm CommentID:86376
Christopher Cummings	Absolutely opposed	I am entirely opposed to anything like a permanent mask mandate. The current mask mandate is unwarranted, unhelpful, and inconsistent with individual liberty. The CDC itself in a May 2020 study found no appreciable effect from mask wearing on transmission of influenza virus. Coronavirus and influeza virus are comparable in size and the correlation is obvious. Masks are a symbolic gesture and not an efficacious tool. Even if masks were a helpful adjunct to hygiene and sanitation, government mandates for their use are abusive and destructive of civil rights. Voluntary guidelines are a different matter. Government should refrain from acting where it is not competent to make educated decisions, as in the case of the coronavirus. The science has been all over the map with routine contradictions in guidance. Do NOT establish any kind of permanent mask requirement.	9/25/20 4:24 pm CommentID:86377
Catherine McGuirk	Covid Masks	Completely opposed to wearing masks	9/25/20 4:25 pm CommentID:86378
Steve Sallman, United Steelworkers	Strongly Support - 16 VAC 25-220 Proposed Permanent Standard	Comments of the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO.CLC (USW) on the 16 VAC 25-220 Proposed Permanent Standard – Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19 September 25, 2020 These comments are submitted on behalf of the members of the USW. We commend Governor Ralph Northam for his order and we thank the Virginia Department of Labor and Industry (VDLI) for their hard work on the Emergency Temporary Standard (ETS) as well as the opportunity to comment on the proposed permanent standard. The ETS is a solid standard. We strongly support it becoming a permanent standard for all workers – no exceptions, and offer our suggestions for improvement. 1. The Permanent Standard is Essential to Protect Working People in Virginia COVID-19 will not end anytime soon. As winter approaches, so does the cold and flu season. People will be moving indoors, ventilation systems may not be adequate, and windows and doors are being closed. We expect an uptick in cases or perhaps a second wave with increased airborne transmission of viral aerosol. Isolation and quarantine of those exposed has and will be vitally important. Virginia's workers need robust protections against COVID-19, without permanent protections they will be at risk. Workplaces have and continue to have outbreaks occurring in different industries and sectors, including USW represented workplaces. https://www.vdh.virginia.gov/coronavirus/coronavirus/covid-19-in-virginia-outbreaks/ A strong permanent standard will safely get Virginia's economy moving again. Employers and workers will benefit by having a permanent standard for future infectious diseases that will save lives and prevent the spread. The VDLI and Virginia Occupational Safety and Health (VOSH) Program has a longstanding history of helping employers with compliance and enforcement discretion with employers who are making good faith efforts. 2. One Agency with Authority Needs to Provide a Clear Standard for Employers and Workers Recently, the Centers for Disease Control and Prevention (CDC) published improved guidance on their webpage only to have it taken down on September 21. The CDC reversed itself and claimed the guidelines it posted on coronavirus airborne transmission were wrong. Changes such as this in the CDC's guidelines appear to be about politics and corporate influence rather than science. The CDC references in the standard must be removed or keep what is in place in the ETS. Having one agency and authority to work with is good for both employers and workers – VDLI can better handle that. This also eliminates any political interference. Standard requirements do not change with no notice as CDC recommendations have been doing. The CDC exceptions makes it confusing and is impractical for employers - it needs removed. 3. The ETS is a Strong Standard and Should Be Made Permanent The USW believes the standard is effective, but only if employers comply and implement the protections. The standard is based off scientific information, long-standing occupational health and safety practices, and recommendations making it most effective. The protections are important for controlling airborne hazards, which SARS-CoV-2 clearly is. Respiratory protection is clearly defined and required for workers who are deemed at risk. Also, face coverings are clearly defined and required according to previous Virginia mandates. More importantly in the hierarchy of controls, ventilation requirements are in line with industry standards per the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE). This helps control the spread of droplet and aerosol transmission. The standard should continue to be a programmatic standard. Instead of it being overly specific and prescriptive, employers are required to implement their own program that fits their workplace using scientific-based and longstanding workplace hazard control practices. The engineering, administrative and work practice controls highlight the importance of key components for all at-risk workers by using risk assessments, plans, training, and more. Additionally, the key components are based off current OSHA standards and familiar to employers, workers and employee representatives. References on the return to work requirements are solid and align with current science. 4. Recommendations for Improvement As previously mentioned, the CDC exceptions need removed to eliminate confusion and it is impractical for employers. SARS-CoV-2 is clearly an airborne hazard and the hierarchy of controls must be applied as the six-foot rule is not an effective control for airborne transmission of viral aerosol. Airborne aerosol transmission involves viral particles that can float in the air for long periods of time over distances well beyond six feet. Ventilation, reduced persons and time in spaces, and other controls must be combined with distancing. Strengthen the involvement of workers and their representatives' involvement in the Infectious Disease Preparedness and Response Plan. The language is good, but it happens less often in practice. Active safety committee members have proven to be a valuable asset for employers to achieve compliance, and most importantly, protect workers. USW safety reps also conduct regular assessments to proactively identify and rectify problems with the employer. At one USW represented workplace, the safety committee plays a key role in designing, deploying and maintaining 48 sanitizing stations located strategically throughout the workplace. Workers and their representatives' participation is key for an employer to maintain safe workplaces. VOSH should ensure their educational materials and enforcement efforts bring attention to this fundamental element. Medical removal for known infections, exposures, or when recommended by a medical or public health professional, with removal protections is needed. Employers must maintain the employee's base earnings, seniority, and other rights and benefits that existed at the time of removal until cleared for return to work. Case reporting requirements – a case management system is needed on what employers are to do when an employer has a case and the follow-up steps needed. In conclusion, a permanent standard is needed to protect all workers, as COVID is not going away and will help protect all workers from future pandemics. The ETS is a strong, comprehensive standard that sets clear requirements based off longstanding practices and current science and should be made permanent. We strongly encourage Virginia to move forward with the permanent standard rulemaking with speed in order to ensure all workers are protected from COVID permanently. All VOSH standards protect the health and safety of Virginia's workers. This one goes further. Other hazards can cause families to mourn and communities to suffer economically. But the actual injury does not spread beyond the injured worker. If a construction worker is injured in a fall, his/her family does not face an increased risk of falls. If a chemical worker contracts leukemia from benzene exposure, he/she will not infect others in his community with cancer. COVID-19 is different. Infections acquired at work can spread far beyond the workplace, as we have seen with nursing homes and meatpacking plants. A permanent standard will make all Virginians safer. We urge the Commonwealth to adopt a permanent standard without delay. Respectfully submitted, Steve Sallman Assistant Director of Health, Safety and Environment United Steelworkers	9/25/20 4:25 pm CommentID:86379
Robert "Bobby" Scott, House Committee on Education and Labor	Congressman Robert "Bobby" Scott: Strongly Support Issuance of Permanent COVID-19 Standard	Mr. Jay Withrow Director Division of Legal Support, ORA, OPPPI, and OWP Virginia Department of Labor and Industry 600 E. Main Street, Suite 207 Richmond, VA 23219 RE: VA Department of Labor and Industry, Safety and Health Codes Board; Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19 Dear Mr. Withrow: I was very pleased that the Commonwealth of Virginia approved an Emergency Temporary OSHA Standard (ETS) to protect workers against COVID-19 last July, and I applaud the Governor for his leadership on this issue. In the absence of any attempt from the federal Occupational Safety and Health Administration (OSHA) to issue strong protections for the millions of workers exposed to COVID-19, Virginia's actions are critical to preventing workplace infections. **Virginia now needs to issue a permanent standard to protect the Commonwealth's workers from exposure to COVID-19.** This country is a long way from the end of this pandemic. Even if a safe and effective vaccine is developed in the next several months, it may not be until late 2021 that enough supply is available to ensure the protection of all Virginians. There are now over 7 million confirmed COVID-19 cases in the U.S., and over 200,000 deaths. Virginia has experienced over 140,000 Covid-19 cases and over 3,000 deaths. While the overall infection numbers are currently leveling off in Virginia, continued vigilance is necessary if we are to prevent another wave of infection as schools open and people move inside as winter approaches. Recent outbreaks have been identified at the Deerfield Correctional Center,[1]	9/25/20 4:25 pm CommentID:86380

		the Pamunkey Regional Jail in Hanover,[2] and the the Heritage Hall and Lynn Care Center nursing homes in Warren County.[3] Nationally, workers continue to be at risk. The CDC reports that 710 health care workers have died from COVID-19 and those numbers are based on only 24% of states responding.[4] The Centers for Medicare and Medicaid Services reports 868 fatalities among nursing home staff alone, including 16 Virginia nursing home staff.[5] Furthermore, more than 250 food processing workers have died from COVID-19, most in meat processing facilities. Over 1200 meat processing workers have been infected in Virginia and ten have died.[6] Virginia has issued a strong, protective ETS based on scientific information and long-standing, proven occupational workplace safety and health practices, and the permanent standard should closely track the ETS. The Virginia Department of Labor and Industry remains ready to provide any technical assistance that employers need to comply with the provisions of the standard. The following measures are particularly important and should be maintained in the final standard: • Exposure assessment and determination: The Exposure Assessment will ensure that each employer develops worker protection measures that are tailored to the specific workplace and that there are no "one-size-fits-all" requirements. The exposure assessment will also ensure that businesses are able to relax requirements when the crisis eventually abates. • Anti-retaliation protections: We continue to hear about workers being retaliated against for reporting unsafe work conditions or using their own personal protective equipment. For workers to feel secure to report unsafe conditions and to participate in the process of improving workplace safety, it is essential that workers continue to have strong protections against retaliation. Personal protective equipment, particularly N-95 respirators, continue to be in short supply,[7] making it important that workers are allowed to provide their own, more effective personal protective equipment without being retaliated against. • Reporting requirements: Reporting requirements are necessary in order to monitor work-related outbreaks and ensure that employees and other building occupants are aware of outbreaks that may present a hazard to employees in the workplace or building. • Training: It is vitally important that all workers, at every level of risk, receive basic training on the hazards they are facing and how to protect themselves. Like other requirements of the standard, the training would be tailored to the specific level of risk in each individual workplace. A permanent standard is particularly important considering that federal OSHA continues to refuse to issue an enforceable COVID-19 standard or any kind of broad infectious disease standard that covers airborne diseases. This leaves workers in nursing homes, meat packing plants, prisons, warehouses and many other workplaces at high risk of infection. As the numbers of COVID-19 infections continue to rise across the country, protecting our workers is essential to stopping the spread of this virus and reviving the economy. In conclusion, I commend the respective agencies responsible for developing the ETS and your important work on a permanent COVID-19 standard. Virginia's ETS was a thoughtful response to the COVID-19 pandemic. The Commonwealth's leadership has set the example for the rest of the country as evidenced by other state OSHA plans that are now moving to adopt a COVID-19 ETS. Please contact me or Jordan Barab, Senior Labor Policy Advisor for the Committee on Education and Labor, at jordan.barab@mail.house.gov if you have any questions. Sincerely, **ROBERT C. "BOBBY" SCOTT** Chairman, House Committee on Education and Labor [1] https://www.wdbj7.com/2020/09/23/va-department-of-corrections-working-with-vdh-cdc-to-manage-covid-19-outbreak-at-deerfield-correctional-center/. [2] https://abcnews.go.com/US/covid-19-outbreak-virginia-jail-infects-124-inmates/story ?id=72925115. [3] https://www.nvdaily.com/nvdaily/two-new-local-outbreaks-havent-lead-to-any-deaths/article_9992845e-1317-5020-adc5-d36e4c906720.html. [4] https://covid.cdc.gov/covid-data-tracker/?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fcases-updates%2Fcases-in-us.html#health-care-personnel. [5] https://urldefense.proofpoint.com/v2/url?u=https-3A__data.cms.gov_Special-2DPrograms-2DInitiatives-2DCOVID-2D19-2DNursing-2DHome_COVID-2D19-2DNursing-2DHome-2DDataset_s2uc-2D8wxp&d=DwMFaQ&c=L93KkjKsAC98uTvC4KvQDdTDRzAeWDDRmG6S3YXllH0&r=7fKcacT2MhxelN8y4LqEWU8scM1SXDYIicsHK8PN738&m=E4SzQSvxfGBsVj3k8mfBgvCSNLydY0WS_VRerDY8yEQ&s=Nwsm_sH9dt67t3_kqC41TE0s-8EgmX7TiDLTtYBYUtk&e=. [6] https://thefern.org/2020/04/mapping-covid-19-in-meat-and-food-processing-plants/. [7] https://www.washingtonpost.com/graphics/2020/local/news/n-95-shortage-covid/.	
Jonathan Francoeur	Vehemently opposed to making COVID-19 mandate restrictions permanent.	I am strongly opposed to make any of Governor Northam's executive order mandates related to COVID-19 permanent.	9/25/20 4:27 pm CommentID:86381
Eric Terry, Virginia Restaurant, Lodging & Travel Association	VRLTA Comments Re The Proposed Regulation	September 25, 2020 Ms. Princy Doss Director of Policy, Planning and Public Information Virginia Department of Labor and Industry 600 East Main Street, Suite 207 Richmond, VA 23219 **RE: Adoption of Permanent Standard for Infectious Disease Prevention SARS-CoV-2 Virus that Causes COVID-19, 16 VAC 25-220** Ms. Doss: On behalf of the Virginia Restaurant, Lodging & Travel Association, we want to take this opportunity to share our organization's comments regarding the Virginia Department of Labor and Industry's (VDOLI) intent to adopt the emergency regulation for preventing COVID-19 in places of employment as a permanent standard. Hospitality and tourism related businesses have been working diligently to comply with COVID-19 related requirements from the Governor's Executive Orders (EO), Virginia Department of Health (VDH), Virginia Department of Labor and Industry (VDOLI) and applicable federal requirements. In fact, the hospitality and tourism industry has strived to protect the public and their staff throughout this public. The American Hotel & Lodging Association created the Safe Stay program, and the National Restaurant Association developed the ServeSafe Dining Commitment/ COVID-19 trainings. Major hotel brands, including Marriott, Hilton, and others also have implemented rigorous cleaning protocols as well. These lessons were created in accordance with the guidance issued by public health authorities, including the U.S. Centers for Disease Control. Regrettably, VDOLI has failed to accept these hospitality industry specific education programs even after much encouragement from our industry to get these recognized as satisfying training and safety criteria of the ETS. In our review of the emergency temporary standards (ETS) that were adopted by your agency, we noticed many of the concerns that we expressed inadequately addressed. The ETS was approved ostensibly to provide a means of ensuring employees and the public were protected during the temporary COVID-19 emergency; however, your agency is now seriously considering establishing these as permanent standards. Eventually, COVID-19 will have viable treatments and vaccines. Therefore, it's misguided to establish these requirements as a permanent standard that will be perennial. As a result, hospitality and tourism businesses will need to comply with these onerous regulations after successful treatments and vaccines have been established. As you may be aware, hospitality related businesses have been one of the most heavily impacted by COVID-19. These businesses have already been absorbing huge costs just to comply with existing requirements from VDH, EOs, CDC, and national trainings. Making the VDOLI standard permanent will place these businesses in a more precarious situation. We currently anticipate that almost 25% of restaurants in Virginia will permanently close, and these regulations will increase the rate of permanent closures. Therefore, we believe that it's imprudent to transition the ETS to a permanent standard, but should your agency move forward with making these standards permanent here are our suggestions: • Exempt hotels, restaurants, and campgrounds that train their staff in either the American Hotel & Lodging Association (AHLA) Stay Safe, national hotel brand trainings and guidance, National Restaurant Association (NRA) ServeSafe Dining Commitment, or National Association of RV Parks and Campgrounds (ARVC) Re-Opening RV Parks and Campgrounds procedures and follow necessary protocols included in these respective programs. • Remove the requirements included in 16VAC25-220-60 B. 1. b. which applies to medium risk businesses and stipulates all building in Virginia must meet the most updated HVAC systems guidelines. This requirement should only be applicable for replacing units or new construction. • Amend the standards to reflect the original draft language that provided safe harbor to employers following federal guidance, such as that contained in CDC and OSHA. • Clarify what is considered "minimal contact" in the standard. • Strike the language pertaining to sick leave policies. Restaurants are already bound to follow the FDA food code which stipulates that employees who are sick should remain at home. Moreover, employers are already required to provide sick leave to employees under the FFCRA. • Remove the redundant stipulation that employers report positive cases to VDH. Health care providers already required to alert VDH of positive test results. • Remove the requirement for hand sanitizer be available as it's not in line with public health officials. The CDC only requires that hand sanitizer be available as a substitute for hand washing, whereas the VDH considers it a best practice. • Adjust the time based "return-to-work" rule to align with the CDC requirement. • Sunset the regulation when the Governor's State of Emergency concludes for COVID-19. As noted above, there are many issues with the proposed language in the permanent standard that appears to conflict with public health guidelines and requirements. This ambiguity is why VRLTA believes it's best to not make these standards permanent. We remain of the belief that hospitality related businesses that follow national health and safety procedures from AHLA, NRA, and ARVC should be exempt from the VDOLI regulations as these procedures were developed in accordance with CDC guidelines. For these reasons, we strongly believe that the best approach is to not adopt the ETS as a permanent regulation. However, if you do promulgate them, we believe the adjustments outlined above will provide the means to address the public health issues pertinent to mitigating transmission of COVID-19. Sincerely, Eric Terry President Virginia Restaurant, Lodging & Travel Association	9/25/20 4:27 pm CommentID:86382
Stuart Webel	Strongly Opposed	I am a small business owner in the Richmond area. I have seen first hand how government regulation compliance costs businesses and ultimately consumers a great deal of money and freedom. While most regulations are well intentioned, the potential exists, without any due process, to literally regulate any company out of business or regulate any individual into bankruptcy. We, as a community, agreed to abide by "safety guidelines" earlier this year in order to "flatten the curve" and reduce the strain on health care providers dealing with COVID19. We complied at GREAT personal cost. Now we are being told that the arbitrary safety guidelines, which seem to change at the whim of unnamed "experts" are to be made permanent?! I say that if these rules are to be made permanent, let it be done through the General Assembly and Governor by way of a new State law. Let it be done by those who are accountable to the voting public; not nameless bureaucrats with no accountablity!	9/25/20 4:27 pm CommentID:86383
Catherine McGuirk	absolutely NO covid Masks !		9/25/20 4:28 pm

		Mask wearing ought to be voluntary	CommentID:86385
Bill Collins	Masks do little to nothing to prevent spread	**Alex Berenson: 'Wear a mask' social pressure has 'real consequences'** **'Masks are, at best, marginally useful indoors in crowded settings'** https://www.foxnews.com/media/alex-berenson-wear-a-mask-social-pressure-has-real-consequences **Alex Berenson claims there is 'very, very little evidence' that 'universal masking' slows coronavirus spread** **'I don't know what has changed in the science'** https://www.foxnews.com/media/alex-berenson-little-evidence-masking-slows-coronavirus	9/25/20 4:35 pm CommentID:86387
John Thorp	OPPOSE MASK REQUIREMENT MANDATE	Please let the people make their own decision about this, thank you.	9/25/20 4:36 pm CommentID:86388
Anonymous	Absolutely NO to Face Masks	We absolutely cannot down the road to wearing face masks on any basis. This is an egregious assault on our personal liberty and freedoms. No to Face Masks and other pandemic precautions which have done absolutely nothing.	9/25/20 4:36 pm CommentID:86389
Eugene McGuirk	No permanent mask ruling	Gentlemen: An article on the CDC website states that masks do not prevent the spread of viruses like Covid-19. Articles by doctors in peer reviewed journals state that masks do not prevent the spread of viruses, even in operating rooms. There is absolutely no need to generate a ruling to force masks on the public in Virginia. Each citizen should have the right to decide for himself/herself whether mask wearing is warranted. As a voter, I insist that you do not make a regulation that makes mask wearing mandatory. Sincerely, Eugene McGuirk	9/25/20 4:37 pm CommentID:86392
Cannon Moss, Virginia Railroad Association	Proposed Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19	The Virginia Railroad Association ("VRA") respectfully submits these comments to the Virginia Department of Labor and Industry's (the "Department's") proposed Permanent Standard for Infectious Disease Prevention: SARS CoV-2 Virus That Causes COVID-19, 16VAC25-220 (the "Proposed Permanent Standard"). VRA is concerned that the Proposed Permanent Standard would create uncertainty and significant burdens for its railroad members, who typically follow federal standards to operate their rail networks and are currently doing so in managing the health risks presented by the SARS CoV-2 pandemic. Below, VRA proposes modest changes to the Proposed Permanent Standard to address these concerns, to better position Virginia's railroads to continue to provide reliable, essential service to their customers, and to avoid unreasonably burdening interstate commerce. ***VRA's Interest in the Application of Federal Policy to its Members' Operations*** VRA is a trade association representing the freight rail industry in the Commonwealth of Virginia, whose membership includes two Class I railroads and nine regional (Class II) and short line (Class III) railroads. VRA also has many customer members and associate members who depend on reliable rail transportation to conduct their business. The total freight rail network in the Commonwealth of Virginia consists of over 3000 miles of track, which interconnects with neighboring states, the District of Columbia, and important international trade facilities such as the Port of Virginia. This interconnected network provides many of Virginia's industrial, manufacturing, and agricultural businesses with access to markets throughout North America and the world, giving them a substantial competitive advantage. In addition to providing substantial economic benefits to the customers in Virginia who are served by VRA's railroad members, freight rail also offers many environmental benefits over competing modes of transportation, including reduced pollution, increased fuel efficiency, and reduced highway congestion. Because of the substantial advantages of connecting their customers to a nationwide freight rail network that is the envy of the world, VRA's members heavily rely on a national policy of regulating railroad operations at the federal level. Applying state or local operational regulations to railroad transportation in Virginia that are out of step with national policy will create potential barriers to accessing the nationwide freight rail network, disadvantaging not only VRA's railroad members but also Virginia businesses that depend on rail access to markets and would be at a significant competitive disadvantage without it. ***VRA's Concern with the Proposed Permanent Standard*** Earlier this year the Federal Railroad Administration issued a Safety Advisory encouraging railroads to familiarize themselves with federal recommendations and guidance related to COVID-19, including guidance issued by the Centers for Disease Control and Prevention ("CDC"). 85 FR 20,335 (April 10, 2020). That Safety Advisory further encouraged railroads "to take action consistent with" these federal recommendations and guidance. *Id.* at 20,336. The railroad members of VRA have taken this guidance to heart. They are following the CDC's COVID-19 guidance and other federal recommendations to keep their employees and their workplaces safe and healthy as they continue to provide essential services to their customers during the pandemic. VRA's concern is that adoption of the Proposed Permanent Standard as written will create confusion and unnecessary operational burdens for railroads operating in the Commonwealth of Virginia because it does not square entirely with the federal COVID-19 guidelines the FRA encouraged all US railroads to follow in its Safety Advisory. This confusion would arise in part because although some railroad activities are clearly beyond the jurisdiction of Virginia's occupational and safety laws, others may not be. The Proposed Permanent Standard would apply "to every employer, employee, and place of employment in the Commonwealth of Virginia within the jurisdiction of the VOSH program…." Proposed 16VAC25-220-10(C). Virginia's occupational safety and health statutes, regulations, and laws generally apply to every employer, employee, and place of employment in the Commonwealth, with certain exceptions. 16VAC25-60-20. One of those exceptions is where the federal Occupational Safety and Health Act of 1970 does not apply. 16VAC25-60-20(2). While many activities performed by railroads are not within OSHA's jurisdiction because they are subject to regulation by the Federal Railroad Administration ("FRA"), other railroad activities are not regulated by the FRA and are within OSHA's jurisdiction. *See*, FRA Policy Statement, 43 FR 10583 (March 14, 1978). Therefore, on its face, the Proposed Permanent Standard would purport to regulate those railroad activities within OSHA's jurisdiction. The problem is that while the Proposed Permanent Standard recognizes that some employers in the Commonwealth are following CDC guidance to control the spread of COVID-19, following that guidance is only deemed to be compliant with the Proposed Permanent Standard "provided that the CDC recommendation provides ***equivalent or greater protection*** than provided by a provision of this standard." 16VAC25-220-10(G.1) (Emphasis added). It is unclear how a railroad in the Commonwealth would determine whether a particular CDC recommendation it intends to continue following "provides equivalent or greater protection" than an analogous provision of the Proposed Permanent Standard. While following CDC guidance "shall be considered evidence of good faith in any enforcement proceeding" (*Id.*), that is cold comfort to VRA's railroad members, who will wonder not only whether such "evidence of good faith" will be sufficient to carry the day in any enforcement proceeding, but also whether an eventual determination that following CDC recommendations was ***not*** sufficient to comply with state law will expose them to civil liability. That decision will not necessarily be made by the Department, but by a judge or a jury. The uncertainty that would be created by the Proposed Permanent Standard will put Virginia railroads in the very unfortunate position of having to guess at which set of standards it should follow. Even after analyzing whether an activity falls within FRA's jurisdiction or OSHA's - which in and of itself is often a complex undertaking that sometimes yields less than clear answers – a Virginia railroad doing its best to follow the rules may then have to ask itself whether following CDC guidance provides "equivalent or greater protection" than the Proposed Permanent Standard – a question impossible to answer with any degree of certainty. What will make it especially difficult for railroads operating in Virginia is figuring out how to apply a different set of rules once a state border is crossed. Railroads are network businesses, with complex interstate operations. The two Class I railroads that operate in Virginia, CSX Transportation, Inc. and Norfolk Southern Railway Company, have extensive networks that reach most of the Northeastern United States, the Midwest, and the South. Several smaller railroads with Virginia operations also operate in other states. Even those railroads operating solely in Virginia interchange traffic with interstate carriers and could be impacted by a set of state COVID-19 standards that do not align precisely with federal recommendations. Applying one set of rules to a carrier's Virginia operations, and another set of rules elsewhere on the carrier's network, would introduce complexity that would ultimately burden interstate commerce. That burden would grow even larger if other states were to follow Virginia's lead and provide similarly weak assurances that following CDC guidelines will be sufficient to comply with state COVID-19 regulations. Forcing railroads to try to manage their complex multi-state networks within a patchwork of different state operational regulations would undermine federal interstate transportation policy, which heavily favors one set of standards created at the federal level. This policy preference was perhaps best expressed by Congress in the Interstate Commerce Commission Termination Act (the "ICCTA"), which vests exclusive jurisdiction over interstate transportation by rail carriers in a federal agency – the Surface Transportation Board. 49 USC 10501(b). The Board's broad grant of exclusive jurisdiction has been interpreted to preempt a broad range of state and local laws when applied to railroads. *See, e.g., City of Auburn v. United States*, 154 F.3d 1025 (9th Cir. 1998), *cert. denied* 527 U.S. 1022 (1999); *Soo Line R.R. v. City of Minneapolis*, 38 F.Supp. 2d 1096 (D. Minn. 1998); *Burlington Northern Santa Fe Corp. v. Anderson*, 959 F.Supp. 1288 (D. Mon. 1997). ***VRA's Proposed Revision to the Proposed Permanent Standard*** Fortunately, VRA believes that its concerns with the Proposed Permanent Standard can be addressed by a modest change to subsection (G.1) of 16VAC25-220-10. VRA proposes revising that subsection by adding the **bold** text below: G.1. To the extent an employer actually complies with a recommendation contained in CDC guidelines, whether mandatory or non-mandatory, to mitigate SARS-CoV-2 virus and COVID-19 disease related hazards or job tasks addressed by this standard, and provided that the CDC recommendation provides equivalent or greater protection than provided by a provision of this standard, the employer's actions should be considered in compliance with 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 this standard shell be considered evidence of good faith in any enforcement proceeding related to this standard. **Anything to the contrary in this section notwithstanding, to the extent that an employer engaged in interstate commerce complies with a recommendation contained in CDC guidance or other federal standards or guidelines, whether mandatory or non-mandatory, to mitigate SARS-CoV-2 and COVID-19 related hazards or job tasks addressed by this standard, the employer's actions shall be considered in compliance with this standard.** By making this minor change to the Proposed Permanent Standard, the Department will address the concerns of VRA and its members, while better aligning its proposed regulation with federal transportation policy and the ICCTA.	9/25/20 4:40 pm CommentID:86393
Bruce Stambaugh	All workers deserve better conditions	Please make the temporary work standards permanent for Virginia's poultry workers. They need to be protected. Thank you.	9/25/20 4:40 pm CommentID:86394
Sean Williams	objection to permanence	September 25, 2020 Safety and Health Codes Board Virginia Department of Labor and Industry 600 East Main Street, Suite 207 Richmond, Virginia 23219 Re: public comment period re: permanent standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220 Airlines for America® (A4A) is the principal trade and service organization of the U.S. airline industry. We value our ongoing relationship with the Commonwealth of Virginia as we work together to address the COVID-19 crisis. Like you, our top priority is the safety and wellbeing of crewmembers, passengers, employees and the Virginia public, while continuing to provide essential cargo and passenger air services that are critical to our nation's economic recovery. A4A respectfully requests that the Emergency Temporary Standards (ETS) not be made permanent, maintaining their sunset with the Governor's State of Emergency. If the Board decides to move forward with a permanent standard, then several components of the standard will need to be addressed to resolve inconsistencies with state and federal regulations and constitutional	9/25/20 4:41 pm CommentID:86395

		concerns. The ETS, if made permanent, would make mandatory a snapshot of CDC guidelines that are flexible and evolving, reflecting best practices based on contemporary knowledge of a new virus. This remains to be a rapidly evolving situation and that body of knowledge expands daily, and the recommended best practices are routinely updated to reflect new information. Mandating today's guidelines would calcify permanent best practices based on current knowledge, which could quickly become outdated, fail to incorporate new guidelines and result in unnecessary requirements. . In addition, many of the requirements of the ETS remain proscriptive and seemingly designed for closed worksites, like office buildings or manufacturing plants, rather than locations where multiple businesses – many of which have limited or no relationship to each other – operate, such as airports. In such a context, the layering of obligations concerning non-employees – such as providing PPE or notifying of known or suspected cases – are difficult to implement. In addition, any required notification should be limited to obligating employers notify other companies if one of their own employees test positive and notifying their employees if any person at the worksite tests positive. There should be no requirement that employers notify contractor or subcontractor employees of third-party employee positive tests. A4A urges the Board to refrain from permanent regulations and that the Board instead adopt the CDC's more flexible approach that recommends best practices based on the best information available at the time. We greatly appreciate the ongoing collaborative efforts to combat COVID-19 and look forward to further dialogue. Sincerely, Sean Williams Vice President State and Local Government Affairs	
Ken Garrison C/O HCCA	Do not make the ETS COVID-19 Standard Permanent	September 25, 2020 Ms. Princy Doss Director of Policy, Planning and Public Information Virginia Department of Labor and Industry 600 East Main Street, Suite 207 Richmond, VA 23219 princy.doss@doli.virginia.gov RE: Proposed Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220 Dear Ms. Doss: On behalf of the Heavy Construction Contractors Association (HCCA), we are pleased to submit comments related to the proposed permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220. HCCA represents over 170 companies with 40,000 employees in Northern Virginia. *HCCA is a nonprofit organization comprised of infrastructure contractors and related firms that work collectively to make a positive impact on the construction industry, the economy and the quality of life for the benefit of Northern Virginia and surrounding areas* Despite the pandemic, our members continue to construct and repair roads, prepare construction sites for homes, commercial businesses, data centers and build and maintain the water and sewer systems for these sites to ensure the continued growth of the Commonwealth. Given the potential for danger in these jobs, safety is at the forefront of everything we do. Our member companies are proud of their track records in employee safety, and in particular, have worked diligently during the COVID-19 pandemic to ensure that transportation construction continues in as safe a manner as possible. We have learned a significant amount about working with the omnipresent threat of COVID-19, and have the following suggestions to offer based on our experiences. **First and foremost, we do not believe the Emergency Temporary Standard should be made permanent.** **If a permanent standard is enacted, it should only relate to the current public health crisis related to COVID-19**. All companies have enacted new protocols in the last six months. This has required many employees without any medical training to become de facto health officers to determine if employees may be infected. With cooler weather coming, cold and flu cases will likely increase. Since teleworking is not an option for most roles in infrastructure construction, companies utilize the best information they have – most of which is required to be reported by the employee – to determine an employee's fitness to work. Expanding this permanent standard any further would create additional, unnecessary challenges for industries such as ours. **The emergency temporary standard (ETS) language regarding Centers for Disease Control (CDC) guidelines is vague and confusing**. Guidance from the CDC is constantly changing, and employers are in the untenable position of determining whether that guidance provides equivalent or greater protection than the ETS. If this standard becomes permanent, it will become even more challenging. To bring greater clarity to the situation, those adhering to CDC guidance should be deemed in compliance, without having to determine how it comports with a potentially permanent Virginia standard. As an example, we have learned that airborne transmission is far more likely than transmission from surfaces. The CDC guidelines have the ability to adjust to the latest science, whereas a permanent standard does not. **The (ETS) lumps indoor and outdoor construction together in the medium exposure risk category**. HCCA membership firms participate only in outdoor construction projects. These two types of construction are very different when it comes to potential exposure. Indoor construction is more likely to occur in confined spaces that share heating and air conditioning units. In fact, during the development of the ETS, most of the examples that were shared where COVID-19 had been contracted occurred in indoor settings. Social Distancing is the better control method. Road and infrastructure construction projects take place in very large work sites, allowing opportunities for social distancing. Only in circumstances when some workers find themselves in confined spaces, such as trenching, should the risk level rise to medium. Transportation and infrastructure construction firms constantly provide confined space training for employees. Additionally, employees that operate heavy equipment normally do so by themselves, much like a delivery driver. Delivery drivers are defined as low exposure risk by the ETS. We believe outdoor construction should be included in the low risk exposure category. **Face covering requirements need more definition and flexibility based on the circumstances in which they are being used**. While many employees are required to wear face coverings, it is important to understand the impact on other safety equipment and the employee's well-being. Face coverings can lead to safety glasses fogging up, creating a greater hazard for someone operating around heavy equipment. In extreme heat conditions, which are often exacerbated by placing hot asphalt, face coverings can increase the potential for heat-related illness. They can also muffle speech, making communication on a noisy job site challenging. How to wear a face covering needs to be defined. Given the risk associated with certain transportation construction activities, additional flexibility should be given to employers to make practical adjustments that provide the best protection for their employees. **We support requiring firms to have a written plan and conduct training for all employees regarding COVID related hazards and risks.** What is missing from VOSH are standard templates that will promote consistency and clarity. Currently, the responsibility to draft and execute COVID related protocols to comply with the ETS falls on the employer and employee representative. If the Board had determined they need to issue permanent standards, the Board should also provide how those standards should be conducted. **The Board should clarify which industries are exempt from the standard**. Several industries have been and continue to be exempt from the Department of Labor's jurisdiction on this matter. Several industries oversight is with other government entities and this should be stated. The standards need to clarify which industries are exempt from the standard. Safety is at the core of what contractors do every day, all day. We take the work and the risk and figure out how to accomplish the task safely. Given that our member companies, which have been essential businesses since the onset of the pandemic, have gained valuable experience safely working with the threat of COVID-19 and within the parameters of the ETS. We strongly believe that these changes need to be made if a permanent standard is to be created. Sincerely, Ken Garrison Executive Director Heavy Construction Contractors Association. Cc: Clark Mercer, Chief of Staff, Governor Ralph Northam Megan Healy, Chief Workforce Development Advisor, Governor Ralph Northam Jay Withrow, Director, Legal Support, DOLI	9/25/20 4:42 pm CommentID:86396
Paul and Catherine	Enough with the Masks!!!	No more controlling our lives! We can make the decision ourselves.	9/25/20 4:42 pm CommentID:86397
Judith D LePera	Worker protections	I am speaking in favor of making standards for protection of our poultry workers permanent. The industry is important for our economy, and it should afford its workers adequate pay and health and safety protections to the utmost degree possible.	9/25/20 4:47 pm CommentID:86398
Abigail Gaines	Permanent standards to protect poultry workers - in favor of	To the Virginia Safety and Health Safety Board: I am in favor of making the emergency temporary standards to protect Virginia poultry workers from Covid-19 permanent. Note that I am a resident of Harrisonburg, Virginia Thank you.	9/25/20 4:50 pm CommentID:86399
Amalgamated Transit Union	Enact the Permanent Covid-19 Standard to Protect Virginia Workers	**BEFORE THE VIRGINIA SAFETY AND HEALTH CODES BOARD** **16 VAC 25-220** **Proposed Permanent Standard** **Infectious Disease Prevention:** **SARS-CoV-2 Virus that Causes Covid-19** **Comments in Support of the Proposed Permanent Standard by the** **Amalgamated Transit Union** **International President John Costa** **The Amalgamated Transit Union (the "ATU") submits the following Comments in strong support of the permanent standard regarding infectious disease prevention and the SARS-CoV-2 virus that causes Covid-19 that is under consideration by the Virginia Safety and Health Codes Board (the "Board").** As the labor union representing bus, rail, and paratransit workers employed throughout Virginia, the ATU comes to the Board to present the pressing and immediate safety concerns that its Virginia members carry with them every day as they perform the essential work of connecting Virginians to jobs, medical care, and life-sustaining services in the midst of the Covid-19 pandemic. The pandemic has not eliminated these transportation needs, nor has it diminished ATU members' dedication to serving the riding public. Fortunately, since the adoption in July 2020 of the Virginia emergency temporary standard regarding SARS-CoV-2 and Covid-19 (the "ETS"), ATU members have been able to perform their public service with enhanced access to personal protective equipment ("PPE"), more	9/25/20 4:52 pm CommentID:86401

		personal space, improved communications with employers regarding Covid-19 infections at worksites, and other important protections. As the pandemic persists and medical and scientific experts forecast an increase in infections, it is essential to maintain the protections provided by the ETS in the form of the permanent standard now under consideration. Only the certainty and predictability of a permanent standard can keep ATU members safe on the job and give riders confidence that they will be safe on transit, thereby enabling the recovery both of transit systems themselves and of the communities they serve. **Of course, the benefits of a permanent standard are not limited to ATU members. All Virginia workers are safer with effective Covid-19 protections in place – and when workers are safer, Virginia is safer.** That is why the national AFL-CIO and its Virginia federation – which represents workers across employment sectors and across the Commonwealth – have also submitted comments in strong support of the proposed permanent standard. The ATU endorses these comments and urges the Board to adopt the improvements to the proposed permanent standard that the AFL-CIO proposes. **In addition to the improvements set forth in the AFL-CIO comments, the following updates – tailored to transit workers' needs – are also necessary to enable the permanent standard to provide comprehensive SARS-CoV-2 protection to ATU members and to all Virginia workers:** **Establishment of confined space-specific air filtration standards –** The proposed permanent standard recognizes the importance of enhanced air filtration to mitigating the spread of SARS-CoV-2 at medium-risk worksites, including transit agencies, by requiring employers at such sites to install air-handling systems that are consistent with certain guidelines developed by the American National Standards Institute ("ANSI") and the American Society of Heating, Refrigerating and Air-Conditioning Engineers ("ASHRAE"). However, despite specifically designating transit worksites as medium-risk, the proposed permanent standard contains air filtration requirements designed only for buildings – not for transit vehicles and other confined areas. The ANSI and ASHRAE standards cited might be adequate for indoor spaces with substantial airflow and with ample space between workers, but they are insufficient for confined workspaces like buses, where workers spend extended periods in small, poorly-ventilated areas filled with an ever-shifting selection of members of the public – any one of whom could carry and spread SARS-CoV-2. Given the growing scientific consensus that SARS-CoV-2 spreads via airborne aerosols that people generate when they breathe and speak, it is clear that transit workers' extended exposure to large numbers of potentially infected individuals increases the likelihood that they will contract Covid-19 – and correspondingly increases the necessity of filtration standards that are appropriate for confined spaces. In the transit context, such enhanced filtration should include a requirement for employers to equip vehicles with air filters with a minimum efficiency reporting value (a "MERV") of thirteen or higher. **Introduction of fresh-air ventilation systems –** The proposed permanent standard recognizes the importance of enhanced ventilation systems to mitigating the spread of SARS-CoV-2. In confined workspaces like transit vehicles, such systems must include fresh-air ventilation, which pumps outside air into the workspace and sends inside air out. Simply requiring employers to equip transit vehicles and other confined workspaces with openable windows is insufficient. To ensure the level of airflow necessary to disperse aerosols that might carry SARS-CoV-2, the permanent standard must require employers to install fresh-air ventilation systems that are appropriate for any confined workspaces under their control. **Inclusion of UV-C light requirement –** Light bulbs emitting ultraviolet C ("UV-C") waves are effective in killing SARS-CoV-2 when installed in building and vehicle ventilation systems. The permanent standard therefore should require an employer to install such bulbs at all worksites and in all workspaces, including vehicles, whenever the employer – in consultation with workers and their representatives – determines that they would mitigate the spread of the virus. **Strengthening of requirements for employers to install physical barriers –** The proposed permanent standard recognizes the importance of physical barriers to protecting workers from others who might spread SARS-CoV-2. However, the standard's call for employers at medium-risk worksites to install such barriers "[t]o the extent feasible…where such barriers will aid in mitigating the spread of SARS-CoV-2…" is insufficient. This is particularly true regarding confined workspaces like transit vehicles, where workers cannot maintain enough distance from others to protect themselves from potentially infectious aerosols. Instead, the standard must require an employer to consult with workers and their representatives when determining whether physical barriers would reduce SARS-CoV-2 spread at the worksite – and if that is indeed the case, the standard must require the employer to install such barriers unless the employer can prove that doing so would pose an undue financial burden. SARS-CoV-2 is too dangerous, and barriers are too important to mitigating that danger, for decisions regarding barriers to be left to the employer's sole discretion. **Reduction of transit vehicle capacities –** One of the most effective ways to limit the airborne transmission of SARS-CoV-2 in a confined space where physical distancing is impossible – like a bus, rail car, or paratransit van –is to limit the number of passengers. Under the permanent standard, transit employers should be required to limit passenger loads to twenty-five percent of a vehicle's capacity and to use a portion of the newly-available space to create a buffer zone between transit workers and passengers, where no passenger seating is permitted. **Establishment of rear door boarding requirements for transit –** When passengers board buses and certain rail cars using the front door, they pass so close to the vehicle operator that the operator cannot remain protected from potentially infectious aerosols. The permanent standard must therefore require transit employers to utilize rear door boarding for the duration of the SARS-CoV-2 pandemic except for those passengers with a bona fide need to utilize any accessibility equipment that might be connected to the front door. To the extent that rear door boarding might complicate an employer's fare collection, the employer may implement off-board collection, install collection points near rear doors, or forego fares altogether. Certain transit employers across Virginia already have implemented these measures successfully, and the permanent standard should require the rest to follow suit. **Introduction of vehicle "out of service" standards –** Whenever a worker or a member of the public who has tested positive for Covid-19, who is suspected of being positive, who has been exposed to the virus, or who reasonably believes they have been exposed enters or uses a vehicle – including a transit vehicle – there is a substantial probability that the vehicle has been contaminated by SARS-CoV-2. To protect workers who are using or who might use a potentially contaminated vehicle, the permanent standard should require an employer to place such a vehicle out of service immediately upon discovering its potential contamination. Further, the standard must require the employer to fully ventilate the vehicle with fresh air and to fully clean and disinfect it before returning it to service. Given the high risk involved in such cleaning, the permanent standard must require an employer to provide PPE to workers completing the task that includes, as a minimum, N-95 masks, face shields, goggles, gloves, and protective gowns. **Inclusion of Customer mask/face covering requirement –** As discussed above, there is a growing scientific consensus that SARS-CoV-2 spreads through airborne aerosol transmission. Most medical and scientific experts agree that individuals release substantially fewer aerosols while wearing masks or face coverings and that the consistent use of masks or face coverings in public is vital to reducing the spread of SARS-CoV-2. When a public space is also a worksite, as it is for ATU members and all other Virginia workers providing services to the public, the wearing of masks and face coverings becomes a worker protection matter. It likewise becomes a matter for permanent standard, which should obligate employers to require all members of the public entering a worksite to wear a mask or face covering unless doing so is impossible for bona fide medical reasons. **Establishment of N-95 mask guidance for medium-risk jobs –** The fact that the proposed permanent standard classifies a given job – like transit operations – as medium-risk does not mean that workers are unlikely to contract Covid-19 at work. Instead, as detailed above, transit workers face elevated SARS-CoV-2 risks as a result of their extended exposure in confined spaces to potentially infected individuals. Most medical and scientific experts agree that an N-95 mask is among the best defenses to such exposure. The permanent standard should therefore require employers in medium-risk worksites to use every effort, including coordination with the Commonwealth in government-led purchasing efforts, to procure N-95 masks and to provide them to workers. **Enhancement of protections to account for the airborne spread of SARS-CoV-2 –** There is a growing scientific consensus that SARS-CoV-2 spreads through the air over distances greater than six feet. Therefore, the permanent standard should use a greater distance measurement when determining whether job tasks bring workers close enough to others to pose a hazard, when defining "physical distancing," when deciding how far apart employers must keep their workers from others, and when making all other distance-based determinations. The permanent standard also should include worksite ventilation requirements that are more protective than those in the ETS to ensure that ventilation systems protect workers from aerosols emanating from areas more than six feet away. **Increase in opportunities for workers and their representatives to participate in hazard assessment and safety planning processes –** Due to workers' routine presence at their worksites and intimate familiarity with their jobs, workers and their representatives are best-positioned to understand worksite hazards and to propose solutions. Yet, the proposed permanent standard calls for the involvement of workers and their representatives in SARS-CoV-2 safety processes only to the extent of determining whether workers need PPE to protect themselves from SARS-CoV-2 in certain workplaces. The permanent standard should expand such consultations by providing for worker and representative involvement each and every time employers assess worksites for SARS-CoV-2 hazards and/or develop hazard-mitigation plans, and should contain robust enforcement provisions to ensure that employers are held accountable for engaging in substantive consultations. **Expansion of provisions for removing infected and potentially infected individuals from the worksite –** The only way to ensure that a worker who has tested positive for Covid-19, who is suspected to be infected, who has been exposed, or who reasonably believes they have been exposed does not spread SARS-CoV-2 at a worksite is to allow the worker to stay home – without any loss of pay, benefits, or seniority – until the worker is no longer capable of transmitting the virus. Without these protections, infected or potentially infected workers must choose between earning a living and attending to their health and that of their community. This stark tradeoff creates an unacceptable risk that a worker will choose the certainty of maintaining their earnings over the uncertainty of potentially spreading SARS-CoV-2. This result becomes more likely the longer the pandemic-driven recession continues. However, the proposed permanent standard requires an employer to allow time away from work for only those workers who have tested positive for Covid-19 or who suspect that they have the disease. No such protections exist for workers who know they have been exposed to SARS-CoV-2 or who reasonably believe that to be the case. Equally concerning is the fact that the proposed permanent standard does not require employers to pay workers for time off due to Covid-19 concerns or to maintain their benefits or seniority. Under these circumstances, neither workers nor the public enjoys adequate protection from SARS-CoV-2. The Board must therefore expand the permanent standard to allow all infected and potentially infected workers to take consequence-free time off until they test negative and/or are symptom-free. **Clarification of employer's contact tracing responsibility –** Pursuant to the worker notification provisions in the proposed permanent standard, an employer must notify any workers who might have been exposed at the worksite to a coworker who has tested positive for Covid-19. The employer must provide the same notification to other employers whose employees were present at the worksite at the same time as the infected worker. Yet, the proposed standard states that employers need not engage in contact tracing regarding SARS-CoV-2 or Covid-19. These provisions are contradictory. An employer cannot determine who might have been exposed to an infected worker without determining who came into contact with and/or reasonably might have come into contact with that worker – that is, without conducting contact tracing. The notification provisions are essential, and the permanent standard's contact tracing language must be consistent with them. **Enhancement of employer notification responsibilities –** As discussed above, the proposed permanent standard requires an employer to notify any of its own workers who might have been exposed at the worksite to a coworker who has tested positive for Covid-19 and to provide the same notification to the employer of any other workers who might have been exposed. However, workers known to be positive for Covid-19 are not the only ones capable of spreading SARS-CoV-2; this group also includes workers suspected to be positive, workers who know they have been exposed to the virus, and workers who reasonably believe themselves to have been exposed. To maintain the health of workers and their communities, an employer must therefore collect reports of suspected positives, known exposures, and suspected exposures; determine which workers need to be notified of these reports; and make the necessary notifications. **Clarification of employer cleaning responsibilities –** The proposed permanent standard recognizes the importance of regular worksite cleaning and of providing workers with the materials necessary to keep their workspaces clean. For the prescribed cleaning regimens to be effective, however, workers must have time to clean, must be paid for that time, and must be protected both from the cleaning chemicals they use and from any SARS-CoV-2 virus that might be propelled into the air during cleaning. Therefore, the permanent standard should require employers to provide workers with paid time to clean the worksite at the end or beginning of each shift and should provide them with the PPE that workers, their representatives, and the employer determine to be appropriate for the relevant cleaning tasks. The protections in the ETS have proven invaluable to ATU members in Virginia as they carry on their essential yet dangerous work during the Covid-19 pandemic. They are ever-mindful, however, of the temporary nature of these protections, and they wonder how they will keep themselves safe on the job after the ETS expires in January, in the midst of a widely anticipated resurgence in Covid-19 infections. Given that more than eighty ATU members have tragically succumbed to Covid-19, the stakes could not be higher. In the face of a virus that poses extraordinary and increasing dangers to Virginia workers, it is clear that now is not the time to allow the protections of the ETS to disappear; instead, the Board must act immediately to renew and strengthen them. Although some commenters might claim that the cost of the proposed protections is too great a burden on employers, the reality is just the opposite: By acting in accordance with an expanded version of the proposed permanent standard, employers have the opportunity to ensure the continued viability and success of their businesses by creating conditions under which their workers can survive, thrive, and continue the work that makes business possible. ATU members and all Virginia workers require comprehensive SARS-CoV-2 protection, and the continued viability of the Commonwealth's economy depends on it. The ATU therefore urges the Board to adopt the proposed permanent standard, incorporating the essential modifications and additions listed above. For further information, please contact ATU Associate General Counsel Laura Karr at lkarr@atu.org or (240) 461-7199.	
Anonymous	Freedom of C H O I C E	To Whom It May Concern, According to right reason and personal freedom, the question of whether to mask or not seems to fall squarely in the realm of a person's right to choose!! If someone wants to wear a mask and feels protected that way, by all means, they should be free to do that. On the other hand, it's my body and my choice!!!!! I strenuously object to the government demanding that I put something on my body to which I do not consent. The laws should not trample freedoms -- intelligent people can weigh the risks and make an informed choice (and of course, live with the consequences of that choice.) FREEDOM of Choice for America!!!!!	9/25/20 4:54 pm CommentID:86403
Robert Hartnett	Strongly oppose any mandatory mask rules	There is no good reason for mandatory mask rules or laws. There is proof in countries such as Sweden who was much more successful overall in dealing with the virus and NEVER had a mask mandate nor did they ever shut down. There is also good science behind repeated wearing of masks causing other problems and making people sick. It is bad policy for a government with such a mild virus to mandate such a thing and have a direct assault on our rights.	9/25/20 4:55 pm CommentID:86404
Richard Hatch, Communications Workers of America	A Permanent Standard is desperately needed to protect workers!	Dear Mr. Withrow and Board: The Communications Workers of America (CWA) District 2-13 strongly supports a permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19. The current pandemic will continue for an indeterminate period of time, well after the Virginia Emergency Temporary Standard (ETS) expires at the end of January 2021. Strong, COVID-19 workplace protections will continue to save lives, slow the spread of COVID-19, and will dampen the health and economic impact of COVID-19 on employers, workers, and the community. Virginia should continue to lead the way in adopting a strong, permanent, ENFORCEABLE, COVID-19 infectious disease standard. The Communications Workers of America is a Labor Union representing workers in various industries and sectors across the United States, Canada and Puerto Rico. In Virginia we represent approximately 6,500 workers across the Commonwealth. This includes Virginia workers in the industries of telecom, airlines, media, retail, manufacturing, and healthcare. We also represent workers at the American Red Cross, Virginia Department of Corrections and the Virginia Department of Juvenile Justice. We have seen first-hand the devastation that COVID-19 has had on workers across the country, including Virginia. Hundreds of our members have become infected with this deadly disease and too many have died. The Virginia Emergency Temporary Standard has already provided a critical means for improving workplace conditions and protecting workers. The ETS is a start, but there are areas we believe should be strengthened in the permanent standard which must do everything it can to protect workers within the Commonwealth. Our concerns are as follows:	9/25/20 4:55 pm CommentID:86405

		1. Correctional facilities, jails, detention centers, and juvenile detention centers are unique environments and MUST have increased and more comprehensive workplace controls and protections. Outbreaks continue at Department of Corrections (DOC) facilities. We strongly feel that these facilities need the following requirements written into the standard to ensure safety: a. Stop all entrance into the facilities for anyone not incarcerated or employed and assigned to that individual facility; b. Test ALL staff, resident/inmate, officer, deputy, etc. within the facility as a baseline and then regularly to ensure asymptomatic and pre-symptomatic COVID-19 positive individuals do not expose others and continue to spread the disease; c. Mandate respirator use, not "face coverings" for all employees and require enhanced protocols and protections for all inmates/residents when they are transported or removed from their normal pod. 2. This standard must also have clear requirements for workers in uncontrolled environments such as those who must enter and work in residences or other businesses, including health care facilities. This category of worker has no way of identifying a threat until after they are exposed and become ill and an employer has no way of ensuring that this is a safe environment, even with pre-screening of customers. There is a further concern these workers can inadvertently expose the public as they move throughout their day, house to house or business to business, if they do not know they are infected. Procedures such as "curbside" service in retail and in "no contact" delivery for packages or food are in place to recognize the danger in carrying this disease from person to person. This category of worker who routinely enters uncontrolled environments such as residences, businesses, and other facilities (including health care), however, must often enter a dwelling to repair, test, or install equipment and they are subject to a much higher degree of danger that then continues to be carried to the next residence. In order to protect these workers and to mitigate the exposure risk for others we strongly believe these workers should have the following, mandated protections in the permanent standard: a. These workers must be issued NIOSH-certified respirators, not "face coverings" that are not regulated or certified in any way, as well as other appropriate Personal Protective Equipment (PPE) prior to entering unknown environments. Employers should be required to follow the Respiratory Protection standard, 16VAC25-90-1910.134. b. Employers must ensure that workers have enough tools and equipment to minimize sharing of equipment, including vehicles. In the rare event this does not happen, all shared equipment must be sterilized prior to use by another employee. c. Requirements should be put in place to protect workers who must inhabit or travel in a shared work vehicle. The current language in the ETS, 16VAC25-220-40 Mandatory requirements for all employers, Section F, "When multiple employees are occupying a vehicle for work purposes, the employer shall ensure compliance with respiratory protection and personal protective equipment standards applicable to the employer's industry," does not provide any meaningful protection and is toothless. For example, there are no industry requirements for respiratory protection or other PPE for telecommunications employees who may travel together in the cab of a two person line vehicle or for members of a news crew traveling together in a news van. The standard should specify requirements for shared work/travel in vehicles, such as ventilation protocols (bringing in outside air instead of recirculating air or traveling with the windows open, etc.), respiratory protection, and cleaning/disinfecting protocols. d. Employers must also be required to screen customers or locations prior to dispatching an employee to determine possible high risk scenarios. 3. Respirators, not face coverings, should be required to protect Professionals who collect blood and plasma. These employees must be close to, and physically touch, individuals who are donating blood/plasma. Blood drives may occur in indoor environments not controlled by the employer and/or in vehicles designed for the purpose, where there is increased risk of airborne exposure. 4. The permanent standard should increase protections to prevent against airborne exposure, particularly in indoor environments. SARS-CoV-2 aerosols can remain suspended in air and travel beyond six feet. A separation of six feet, particularly in an indoor or enclosed environment, is very important, but not sufficient to protect against airborne transmission. We urge the Safety and Health Codes Board to adopt as permanent an improved version of "16 VAC 25-220 Proposed Permanent Standard, Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19" to continue to protect workers from COVID-19 throughout this pandemic and as protection against future outbreaks. Sincerely, Richard Hatch Communications Workers of America	
Margaret	Mask mandate- We strongly oppose!	I strongly oppose this mask mandate.	9/25/20 4:56 pm CommentID:86406
Anonymous	Face Masks Do Not Work	Please, please, let us get some common sense. Face masks make us breathe a lot more carbon dioxide than we should. I know you get a kick out of regulating our lives, but let us be reasonable and civil. Our tradition of freedom is getting eroded. Is this by design? A "veiled" attempt to make us do other things that may kill us?	9/25/20 4:58 pm CommentID:86407
Wayne Perry	Opposition to permanent DOLI standards	The idea that temporary standards that would apply to a infectious disease process that is/will be mitigated with a nearly permanent solution (education, vaccination, herd immunity, etc) would be so quickly made into permanent and lasting fiscal and operational demands for the business community is outrageous. Most of the mitigation that is currently being demanded of businesses and individuals does NOTHING to change the actual transmission and rates of the disease. Not to mention the rates of death which are not that far off from a typical flu season. None of this is done for flu or other diseases (SARS, H1N1, Zika, etc) nor should it have been done. Putting a one-way directional sign on the floor of an aisle is nonsensical; how does this change the transmission. There needs to be common-sense guidelines, such as distancing and limited contact, but the current DOLI standards that are in place are INAPPROPRIATE AS A CURRENT MEASURE and SHOULD NOT BE MADE PERMANENT. Each individual customer and each individual business - just as they do with every other interaction - needs to make a risk-reward analysis and provide the appropriate service environment based on their customer base and their business type. A gym with college students is not the same as a thrift shop at an assisted-living and they should NOT be treated as if everyone was exactly the same. We need LESS regulation and compulsion and MORE critical thinking and individual responsibility. People make a risk assessment every day when they decide to get in their automobile and drive on the roadway. These are individual decisions and should NOT be some fascistic hand-down from bureaucrats sitting behind some desk and having no idea what is involved in actually running a business and operating an organization. DO NOT MAKE THESE INTO PERMANENT REQUIREMENTS!!!	9/25/20 5:01 pm CommentID:86408
Herb	Mask mandate- We strongly oppose!	I OPPOSE THE MASK MANDATE!	9/25/20 5:01 pm CommentID:86409
Anonymous	Oppose This!	Oppose this. It is premature, for one thing. Covid-19 is not permanent, so why are you trying to make a regulation permanent for something that is NOT, in this case, this disease. We are over-regulated as it is, and you will add to the burdent on Virginia citizens. Additionally, you should be using common sense instead of trying to increase bureaucratic power over Virginia citizens. STOP this. We are fed up already with masks and distancing, etc., which have been shown to be needless and useless.	9/25/20 5:03 pm CommentID:86410
Karen	Strongly Oppose Mandatory Masks	I strongly oppose any mask mandates.	9/25/20 5:03 pm CommentID:86411
Mikayla	Mask mandate	To Whom It May Concern, According to right reason and personal freedom, the question of whether to mask or not seems to fall squarely in the realm of a person's right to choose!! If someone wants to wear a mask and feels protected that way, by all means, they should be free to do that. On the other hand, it's my body and my choice!!!!! I strenuously object to the government demanding that I put something on my body to which I do not consent. The laws should not trample freedoms -- intelligent people can weigh the risks and make an informed choice (and of course, live with the consequences of that choice.) FREEDOM of Choice for America!!!!!	9/25/20 5:04 pm CommentID:86413
Cindy Shelton, Stafford County Board of Supervisors	Return to Common Sense	All, As an elected official I know we have all learned a lot during this Pandemic. The fear and panic of March gave way to daily emergency operations updates and weekly town halls. From afar, it appeared as if we changed our minds constantly and didn't know what we were doing. It was true. As Local elected officials we have the latitude to ask deep questions and the ability to receive answers daily quickly. Those who wrote this bill appear to be disconnected from that source of knowledge. We were briefed on OSHA standards, employee policies and requirements-all meant to ensure we did not have a knee jerk reaction and legislate myopically. This bill does not follow standard and definitions at the federal level nor consider the impact on small businesses. Mandating businesses to do things never takes in consideration their business model and may have no impact on containing the emergency-which is the intended impact. I honor the compassion this bill started with and suggest some of the language be re considered as it conflicts with OSHA and employee standards. Businesses will thrive or be ignored in this environment as people will not go where they perceive poor standards are being followed. In the world of instant responses, mask and sanitation missteps are quickly communicated and close down a business. Let's let the people drive the business success or failure, not an intentionally bureaucratic organization whose laws are costly to implement, costly to enforce, and overburden smart thinking residents. They **are** informed. The Honorable Cindy Shelton Stafford County Board of Supervisors	9/25/20 5:04 pm CommentID:86414
Frederick	Absolutely oppose mask mandate	I vehemently oppose any further mask mandate. It is unscientific and countries without it have fared better than those with it. Also extremely unhygienic.	9/25/20 5:04 pm CommentID:86415
Heidi	Mask Mandate- NONO MASK MANDATE	No Mask Mandate	9/25/20 5:05 pm CommentID:86416
Anonymous	NO to Permanent Standard for Infectious Disease Prevention	Absolutely NO to any permanent standard for penalties of an executive order 63 and all subsequent EOs related to this. **Department of Labor and Industry Announces Intent to Adopt a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220** Remove ALL mask mandates which are unconstitutional to all Virginians.	9/25/20 5:05 pm CommentID:86417
Elizabeth Higgins	No Mandatory Masks	I do not support mandatory masks as it appears the COVID 19 virus is most deadly to those with comorbid health issues. It also appears to be on the level of the flu -and we haven't treated the public with flu preventions at work! Work places are different in their daily human contact and need to determine for themselves what standards are appropriate. State oversight with penalties for noncompliance are not needed!	9/25/20 5:10 pm CommentID:86418
Anonymous	Strongly Oppose	*I oppose making the COVID-19 Workplace Safety Emergency Standard permanent.* *Six months into the pandemic, I have learned to adapt to this unprecedented time by implementing industry-specific guidance from the Governor, the Virginia Health Department, the CDC, and OSHA to ensure physical distancing and extensive sanitization. I want to keep my employees safe because I care about their welfare.* *Now is not the time to make the emergency temporary standard permanent when it's likely this pandemic will be temporary. Imposing "one size fits all" COVID-19 regulations on all employers and employees is unreasonable especially when guidance is continually changing as we learn more about the virus and how best to protect against it's spread. Knowing the temporary standard expires in February 2021, there is plenty of time for the Board to wait until we know more about how long the pandemic could last before taking any further action.* *My company takes its responsibility for protecting our employees seriously. Making the COVID-19 emergency regulations permanent will only make a difficult situation worse for employers and employees. I remain concerned about the impact many of the provisions of the emergency regulations are having on my business and encourage the Board to not make them permanent.*	9/25/20 5:11 pm CommentID:86419
Annie Sparrow	No Mask Please	Until the science is fully understood, and actually fully articulated, this should not be put into law.	9/25/20 5:11 pm CommentID:86420
Cara Simaga	Comments on 16VAC25-220, Proposed Permanent Standard Infectious Disease Prevention: SARS-CoV-2 Virus	Stericycle, Inc. (Stericycle) appreciates the opportunity to submit comments to the Commonwealth of Virginia Department of Labor and Industry (the Department) on 16VAC25-220, Proposed Permanent Standard Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19 (the Standard). Stericycle is a publicly traded corporation (NASDAQ: SRCL) based in Bannockburn, Illinois. In 2019, we had estimated revenues of approximately $3.3B. Our services include compliant collection, transportation and treatment of medical waste, collection/disposal of pharmaceutical waste, and consulting/training programs to help educate our customers on the proper handling of these regulated waste streams. In the Commonwealth of Virginia, Stericycle operates a Regulated Medical Waste (RMW) transfer station in Richmond, secure document destruction facilities in Chantilly, Ashland, and Hampton, as well as mobile document destruction facilities in Salem and Waynesboro. In all there are approximately 114 employees in the state throughout our different divisions servicing Virginia businesses. Our corporate vision is to be leaders in "Protecting What Matters." Overall, we appreciate the concern that the Department has for employees that could be exposed to SARS-CoV-2, the virus that causes Coronavirus Disease 2019 (COVID-19). We share the same concern and had already put together plans and requirements for our employees to follow, many of which are like those in the Standard. However, we do have some concerns with the Standard and respectfully submit the following comments. **Comments/Suggested Edits to Definitions** • "Exposure risk level" means an assessment of the possibility that an employee could be exposed to the hazards associated with SARS-CoV-2 virus and the COVID-19 disease. The exposure risk level assessment should address all risks and all modes of transmission including airborne transmission, as well as transmission by asymptomatic and presymptomatic individuals. Risk levels should be based on the risk factors present that increase risk exposure to COVID-19 and are present during the course of employment regardless of location. ◦ *Stericycle Comment: This definition of "Exposure risk level" should include all examples of modes of transmission, airborne, droplet, and contact. Assessing risk related to these modes of transmission should be the primary focus, rather than potential transmission by asymptomatic or presymptomatic individuals. This sets an unrealistic expectation for the employer to know who would be asymptomatic or presymptomatic. The key for evaluating exposure risk level and identifying the elements is to set up the hierarchy of controls. This is best accomplished through looking at the*	9/25/20 5:12 pm CommentID:86421

		*modes of transmission. We propose that the new definition should state "Exposure risk level means an assessment of the possibility that an employee could be exposed to the hazards associated with SARS-CoV-2 virus and the COVID-19 disease. The exposure risk level assessment should address all risks and all modes of transmission including airborne transmission, **droplets, and contact**. Risk levels should be based on the risk factors present that increase risk exposure to COVID-19 and are present during the course of employment regardless of location."* • "May be infected with SARS-CoV-2 virus" means any person not currently a person known or suspected to be infected with SARS-CoV-2 virus and not currently vaccinated against the SARS-CoV-2 virus. ◦ *Stericycle Comment: This definition and all uses should be removed from the Standard. This definition essentially defines the majority of the population and should not be included or referenced in the Standard as it is overly broad and overreaching.* • "Occupational exposure" means the state of being actually or potentially exposed to contact with SARS-CoV-2 virus or COVID-19 disease related hazards at the work location or while engaged in work activities at another location ◦ *Stericycle Comment: Remove "potentially exposed" from this definition as potential exposure should not be equated to "occupational exposure". If all potential exposures to hazards were to be defined as "occupational exposures", employers would need to constantly report each "near miss" by an employee (eg. an employee almost cut themselves, or they tripped but didn't hurt themselves, etc.). Reporting of "near miss" or "potential incidents" is not a condition that is required today; additionally, considering the unknowns about the modes of transmission and spared of this virus, it would be impractical for employers.* • "Suspected to be infected with SARS-CoV-2 virus" means a person who has signs or symptoms of COVID-19 but has not tested positive for SARS-CoV-2, and no alternative diagnosis has been made (e.g., tested positive for influenza). ◦ *Stericycle Comment: Remove this term and all uses in the Standard. If a patient didn't test positive for SARS-CoV-2, that likely means they are not infected and thus should not be "suspected to be infected". If they didn't test, but have symptoms related to COVID-19, this definition and its later uses imply that the employer must treat them in the same way as an employee that has tested positive for COVID-19. It is reasonable for an employer to have screening measures and plans in place should employees exhibit COVID-19 symptoms, but, treating these employees as though they have been positively diagnosed with COVID-19 could be perceived to be discriminatory. Also, there are many COVID-19 symptoms that are similar to influenza and other illnesses, until more is known about the virus and the disease it causes, treating those with these similar symptoms as though they are COVID-19 positive is not reasonable.* Additionally, the term "hazard assessment" is used throughout the document but is not defined. We recommend using the term "job safety analysis" instead of "hazard assessment" and defining the term in the definitions section, as this is the term used to comply with current regulations. Though assessing the hazards in a workplace is helpful, it is better to look at specific employee tasks when evaluating risk, determining PPE requirements, etc. The term "hazard assessment", as we understand, it is too broad as it only prescribes the hazard. A job safety analysis looks at a specific task to then assign measures to mitigate, eliminate, or reduce the hazard. **<u>Reporting of Positive Cases</u>** Section 16VAC25-220-40(B)(8) prescribes requirements for reporting of positive cases. We have concerns with Subparagraphs (d) and (e) which require notification to contact government agencies (the Department and the Virginia Department of Health). Where there is a positive case of COVID-19, it should be the responsibility of the employee or their physician to contact these agencies, unless the employee contracted the virus at their workplace. If the employee did not contract the virus at their workplace, the workplace should not be responsible for reporting the case. A similar situation, for reference, would be if an employee injured themselves outside of work; even if the injury impacts their work, for example a driver broke their leg skiing and cannot drive due to the injury, this situation is not reportable to the Federal Occupational Safety and Health Agency (OSHA) or the Department today. Due to how the disease is spread, it remains difficult to determine whether an employee contracted the disease at work or outside of work through interaction with their family and/or community; the current wording potentially assumes that an employee contracted the disease at their workplace which is not reasonable. Additionally, Subparagraph (c) requires notification of a positive case to building owners; this section should be re-worded to focus on buildings with multiple employers/tenants as it would be extraneous to notify a building owner if only one tenant occupies the building. **<u>Comments Regarding Infectious Disease Preparedness and Response Plan</u>** Section 16VAC25-220-70 outlines requirements for Infectious Disease Preparedness and Response Plans. We have concerns with the following subsections: C(3)(a)(iii) – This section specifies that employers consider situations for their plan where employees work more than one job or engage in tasks that present a very high, high, or medium level of exposure risk. We question the legality of asking employees about additional jobs and recommend that this section be stricken. C(3)(b) – This section specifies that employers consider individual risk factors of their employees; number of health conditions are then listed. This entire section should be stricken as it is in conflict with privacy laws (such as HIPAA) and could put employers at risk. Finally, we ask that the Department include a template to assist the regulated community in developing their plans. C(3)(a)(iii) and C(3)(b) **<u>Employee Training</u>** We agree with the Department on requiring employee training related to COVID-19. Section 16VAC25-220-80(E) outlines situations where retraining is required, however, it does not specify how soon retraining must be done nor does it specify what must be included in the training. For example, if an employee does not understand a specific component of the training they received, do they need to be retrained on that specific component, or, go through the entire training again? Also, would new information that is learned on COVID-19 or SARS-CoV-2 warrant retraining? Finally, the Department should consider that some employees may purposely choose to not follow the training and employers should be able to document evidence of such circumstances as constant retraining would prove futile. We appreciate the opportunity to comment on the Standard. If you have any further questions or comments please feel free to contact me at 312-720-6213 or via email at csimaga@stericycle.com or Selin Hoboy via email at shoboy@stericycle.com. Sincerely, Cara Simaga Director, Regulatory Affairs Stericycle, Inc. CC: – Selin Hoboy, Vice President, Government Affairs and Compliance, Stericycle, Inc.	
Phillip	Absolutely against any type of mask mandate/requirement. Freedom of choice.	Absolutely no mask mandate. Freedom of choice.	9/25/20 5:14 pm CommentID:86422
Chris	No more masks!	If you are sick, stay home. No more masks!	9/25/20 5:15 pm CommentID:86423
Holly Woodward	Opposed	Opposed to mask mandate	9/25/20 5:18 pm CommentID:86427
Daryl P. Carr	Making ETS regulations permanent	To say making the wearing of masks and social distancing permanent is governmental over reach is an understatement. There is no sound reason, medical or otherwise to impose these restrictions on business here in Virginia. These restrictions will ultimately cause many business to close up or move out of state. This just smacks of government wanting to control the people. If you move forward, the people will ultimately be heard at the ballot box.	9/25/20 5:19 pm CommentID:86428
Thomas L McFadden	Mask wearing by healthy people is voodoo science	Do you people want Virginia to lead the nation in voodoo science? After 7 months of this suppose "pandemic" and the 144,433 "confirmed or probable cases" including the 80,000 "confirmed cases" asserted by the Virginia Department of Health since July 1st, only about 18,150 Virginians have ever required hospitalization because these people are not sick! That is 0.2 of 1% of 144,433 cases! It's supposed to be a "deadly disease" but according VDH, only 1 person under 20 has died and only 7 between 20-30. Unlike most jurisdictions, VDH does not report underlying conditions but based on national statistics, 96% of those who dies did have underlying conditions. Who died? According to VDH, Virginia has 3,136 deaths in a population of 8.5 million and of those 2301 were persons over 70. If the VDH wasn't so incompetent, it would not have allowed nursing homes and elder care facilities to become "killing fields." If you people are destroying Virginia's economy because of Democrat Party politics, shame on you.	9/25/20 5:19 pm CommentID:86429
Julie Zaepfel	Opposed to Permanent Mask Wearing in Public	As a constituent of the Commonwealth of Virginia for 29 years, I oppose any permanent measure that mandates citizens to wear a mask while in public places. It is unreasonable to have a permanent mandate when there is no scientific or medical reason to do so.	9/25/20 5:21 pm CommentID:86430
Hugh Owen	Strongly Oppose Mask Mandate	As author Bryan Fischer has stated: A review of the scientific literature on COVID-19 reveals that, simply put, "masks and respirators do not work. There have been extensive randomized controlled trial (RCT) studies, and meta-analysis reviews of RCT studies, which all show that masks and respirators do not work to prevent respiratory influenza-like illnesses, or respiratory illnesses believed to be transmitted by droplets and aerosol particles." The reason is that none of the available masks has a mesh that's fine enough to capture the COVID-19 particles. In fact, the known facts of physics and biology say that masks cannot work. "The main transmission path is long-residence-time aerosol particles (< 2.5 μm), which are too fine to be blocked, and the minimum-infective dose is smaller than one aerosol particle." (Emphasis mine.) In other words, it only takes a dose smaller than one aerosol particle to infect someone, and none of the masks can capture even a single particle that small. Here's a sample of the medical literature on the subject: Jacobs, J. L. et al. (2009) "Face mask use in HCW (Health Care Workers) was not demonstrated to provide benefit in terms of cold symptoms or getting colds" (which of course are caused by viruses). Plus, the health care workers were significantly more likely to experience headaches. Cowling, B. et al. (2010) "None of the studies reviewed showed a benefit from wearing a mask, in either HCW or community members in households therein. bin-Reza et al. (2012) "There were 17 eligible studies. … None of the studies established a conclusive relationship between mask/respirator use and protection against influenza infection." Smith, J.D. et al. (2016) "We identified six clinical studies … . In the meta-analysis of the clinical studies, we found no significant difference between N95 respirators and surgical masks in associated risk of (a) laboratory-confirmed respiratory infection, (b) influenza-like illness, or (c) reported work-place absenteeism." Offeddu, V. et al. (2017) "Evidence of a protective effect of masks or respirators against verified respiratory infection (VRI) was not statistically significant." Radonovich, L.J. et al. (2019) "Among outpatient health care personnel, N95 respirators vs medical masks as worn by participants in this trial resulted in no significant difference in the incidence of laboratory-confirmed influenza." Long, Y. et al. (2020) "There were no statistically significant differences in preventing laboratory-confirmed influenza, laboratory-confirmed respiratory viral infections, laboratory-confirmed respiratory infection, and influenza-like illness using N95 respirators and surgical masks." Conclusion: "No RCT study with verified outcome shows a benefit for HCW or community members in households to wearing a mask or respirator. There is no such study. There are no exceptions. Likewise, no study exists that shows a benefit from a broad policy to wear masks in public…. All of this to say that: if anything gets through (and it always does, irrespective of the mask), then you are going to be infected. Masks cannot possibly work. It is not surprising, therefore, that no bias-free study has ever found a benefit from wearing a mask or respirator in this application." It's long past time for our health officials to start dealing in actual science instead of the pseudo-science they've been peddling since the beginning of this self-induced, panic-driven hysteria. They should begin today to broadcast loud and clear that there is no known benefit arising from wearing a mask in a viral respiratory illness epidemic. The bottom line is quite simple: Masks do not work, cannot work, and never will work. To impose mandatory masking is an outrage against sound science, liberty, and common sense. *Hugh Owen, Director of an Educational Non-Profit Organization; Member, John Paul II Academy for Human Life and the Family; Retired School Principal, with a permanent license to be a Superintendent of Schools or K-12 Principal in the State of New York.*	9/25/20 5:21 pm CommentID:86431
Hannah Gulasky	NO MASKS!!!	No Masks! This is a free country and it should be each person's choice to wear a mask or not. If someone feels as though they need to wear a mask for their own safety that's perfectly fine but we should not be forced.	9/25/20 5:22 pm CommentID:86432

Beth D. Rhinehart, President & CEO Bristol TN/VA Chamber of Commerce	Strongly Oppose Adopting a Permanent Standard - Bristol TN/VA Chamber Comments	On behalf of our Chamber Board of Directors and entire membership, I appreciate the opoprtunity to speak to the proposed Permanent Standard for COVID for ID Prevention: SARS-CoV-2 Virus that causes COVID-19, 16VAC25-220. We have recevied numerous calls and emails of outreach from our membership who share grave concern for the overly burdensome proposal to move the temporary standards for safety protocols to a permanent status. We feel that this consideration is an overreach of the current status that will create an undue and unneccessary regulatory nightmare for businesses. Our businesses have been compliant with the best information available from healthcare and scientific experts at present. We do not know what lies ahead with regard to new and innovative approaches to this virus, and urge you to be cautious and conservative when making decisions (in perpetuity) without all of the information yet known or developed. By making these standards permanent we are ignoring the potential for changing science and thus more flexibility and opportunity for our already struggling businesses to remain both safe and productive. This regulation should sunset at the expriation of Governor Northam's Executive Order as stipulated in the Emergency Temporary Standard (ETS). Again, making this permanent at this time is making a decision without all of the pertinent and ciritcal information needed for a good decision. Businesses have worked for four and a half months under CDC and OSHA guidelines before the ETS became effective July 27, 2020. During those months businesses implemented critical safety measures to ensure the health of their employees. The guidelines are working and quite frankly additional regulations are duplicative and unnecessary. The cost of continued required training is yet another burden to already struggling businesses and the hours associated with the training takes time away from other necessary work loads and duties. We strongly urge you to listen to the business community and place value on their experiences shared with you. They are your stakeholders, along with their employees and families. Good policy making and decision making should always include the stakeholders interest. Therefore, we implore you to reconsider adoption of a permanent standard and instead allow the ETS to remain as previously adopted and direct regulators to work with stakeholders to address concerns in the ETS. The Emergency Standards are burdensome, obsolete, difficult to enforce, costly in time and money, and lack flexibility to adapt to current science and innovation. We are strongly opposed to the adoption of these as a Permanent Standard for what is a temporary health situation. Thank you, in advance, for your consideration and the opportunity to provide input.	9/25/20 5:25 pm CommentID:86434
Troy Suter	Do NOT make the Standard Permanent	As an executive of a small Virginia business I strongly oppose making the COVID-19 Workplace Safety Emergency Standard permanent. Along with the vast majority of small businesses we have responded to the pandemic by acting to protect our employees and our customers. Our business has learned to adapt to these unforeseeable circumstances by implementing safety protocols developed from a number of federal and state sources. We care about our employees' and our clients' health because without them our business does not exist. Our business readily complied with the emergency temporary standard, but making these standards permanent is unnecessary at this time and an example of gross regulatory overreach. The impact COVID-19 is having on our communities is changing rapidly and so is the science - and all in a positive direction! The Board should NOT move at this time to make the Standard permanent when it's likely this pandemic will be temporary. Imposing "one size fits all" COVID-19 regulations on all employers is unreasonable especially when guidance is continually changing as we learn more about the virus. The temporary standards are not expiring for months, and the Board should take the time to monitor not only the health impact of the virus over time but also the challenges employers are facing implementing the emergency regulations before taking any further action. We are told repeatedly by our elected officials, unelected bureaucrats, and the media that we must follow the science. If this is true then show us the science. The Board has not shown us the science because consistent science does not exist. Different jurisdictions, states and nations responded in widely varying ways to the pandemic with widely varying results. The government should not impose regulations on the People based simply upon what the Board feels or wishes to be true about the science. . Should the Board move to make the standards permanent at this time, then in my view the Board exposes its true motivation an nothing more than a raw grab for power. Our company has taken this virus seriously and responded accordingly. Making the emergency standards permanent at this time only serves to increase mistrust of governmental officials and heighten tensions in our communities. The Board must exercise restraint and resist the typical bureaucratic reflex to "not let an opportunity go to waste." If making the standards permanent is indeed necessary then let the legislators take up the issue in the appropriate forum where the People can hold them accountable for their actions.	9/25/20 5:25 pm CommentID:86435
Virginia Association of Community-Based Providers	Please do not make the emergency temporary standards permanent	The Virginia Association of Community-Based Providers (VACBP) represents small businesses across Virginia that provide behavioral health and substance use disorder treatment to Virginia's most vulnerable residents, including its Medicaid members. Our members have significant concerns about taking action to make the COVID-19 Workplace Safety Emergency Standard permanent without more thoughtful consideration and engagement by small businesses like those who are members of the VACBP to evaluate the impact on businesses, their employees and those they serve. Now six months into the pandemic, our members have taken extraordinary measures to adapt to this unprecedented time while ensuring compliance with licensing standards and CDC requirements. They are singularly focused on keeping their employees and those they serve healthy and safe. With the current temporary emergency standards in place, there is time to conduct a more thorough review and consider what standards warrant being permanent. Imposing "one size fits all" approach by subjecting COVID-19 regulations on all employers is not prudent without a more thoughtful and inclusive review, especially when guidance is continually changing as we learn more about the virus. We strongly urge the Board to take the time to determine how best to ensure the safe operation of Virginia businesses and the safety of their employees and, for our members, their patients. Thank you for your consideration of the VACBP's concerns related to this very important manner.	9/25/20 5:26 pm CommentID:86436
Jessica Oplak	I strongly disagree	*Now is not the time to make the emergency temporary standard permanent when it's likely this pandemic will be temporary. Imposing "one size fits all" COVID-19 regulations on all employers and employees is unreasonable especially when guidance is continually changing as we learn more about the virus and how best to protect against it's spread. Knowing the temporary standard expires in February 2021, there is plenty of time for the Board to wait until we know more about how long the pandemic could last before taking any further action.*	9/25/20 5:27 pm CommentID:86437
Virginia Pannabecker, Virginia Organizing	STRONGLY SUPPORT! As a worker, I thank you for creating these guidelines.	I was thrilled to see the Emergency Temporary Standard and am equally so to see the Proposed Permanent Standard for 16VAC25-220, Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19. As a worker in Virginia, who often works with many different people in a service capacity, I see the requirements of this standard as critical to keeping all of us safe: me, my family, my colleagues, my workplace, and my community. Thank you for developing these in detail - having been part of developing my workplace's reopening plan and other workplace guidelines, I believe these standards are critical to ensuring that all of us know what all of us: employees, employers, our workplaces need to consider to reduce spread of SARS-CoV-2 Virus that causes COVID-19. Now that we have all become accustomed to these important safety guidelines, practices, and re-configurations of workplaces and methods of working, it's more critical than ever to maintain these standards in a permanent form until there comes a time when COVID-19 is not at this level of spread and threat to our overall community health and well-being. Now that measures are in place in workplaces, it is easier and we are focused more on maintenance and continual improvement of processes in our current environment, while continuing to follow these safety standards. We can do this and we can continue to do this as long as such standards are needed to reduce the spread of COVID-19 in our communities. **Please keep all current content** **To the Workers who voiced concerns and urged development of these standards**: thank you for your critical work on all our behalf! **To the Department of Labor and Industry and the Safety and Health Codes Board**: Thank you for listening to the concerns and health and safety needs of Virginia workers - your work in developing and maintaining these standards is much appreciated! **To business owners and associations, and some workers who previously opposed these standards and who may continue to do so**: these are reasonable standards that not only protect workers and your colleagues, they also protect you, your family, your friends, and your community. They support you in demonstrating your commitment to a safe and healthy workplace and to everyone's well being. We're all happier and more productive when we're safe and well. Let's all work together to continue to follow these standards and ensure we all get through this pandemic as safely as possible.	9/25/20 5:30 pm CommentID:86438
Anonymous	Strongly oppose	strongly oppose	9/25/20 5:31 pm CommentID:86439
Stephen Costanzo	Strongly Opposed to Mask Mandates	Strongly Opposed to Mask Mandates. Breathing in your own carbon dioxide on a regular basis from mask wearing can cause pleurisy and other health problems for healthy people.	9/25/20 5:38 pm CommentID:86440
Anonymous	Strongly oppose	It is my opinion that making this temporary standard permanent is a bureaucratic over-reach and a knee-jerk reaction to the 2020 Covid19 outbreak. It does not allow for adjustments and flexibility as research and statistics regarding the transmission and treatment of the virus continue to develop. It is likely to cause incalculable harm to both small and large businesses, resulting in a continuing downward spiral of the economy in our Commonwealth. This type of standard was not adopted for other influenza strains that were just as or more deadly than the current strain. Masks are ineffective, and their continuous use may have unforeseen long term negative effects. Additionally, the mask mandate is an encroachment on individual liberties. I vigorously oppose a permanent statewide standard.	9/25/20 5:38 pm CommentID:86441
Lee	Permanent Implementation of Labor Rules - Oppose	First, I appreciate the effort to make workplaces safe. I do think that the agency is doing what it thinks is in the best interest of its constituents. But, this rule reaches too far. The government needs to refrain from encroaching on freedoms that are unrelated to significantly combating something that has not been substantially studied, analyzed and peer-reviewed. This rule is a knee jerk reaction to a situation that the state government is wholly unqualified to command in such a short time. In fact, the longer this COVID 19 virus has been in the U.S. the less dangerous it appears. Please don't waste Virginian's taxpayer money on fashioning rules that have not been substantially studied, vetted and analyzed over an appreciable length of time, and by many experts beyond those in the government in Va. The cost to taxpayers and business taxpayers of such an over-inclusive rule is to further deteriorate business in Virginia. This cost does not justify the results. I think that the "rules" proposed need to be completely re-written and permit less restrictions, but perhaps more incentive for voluntary compliance. Businesses are diverse, patrons are diverse, and COVID isn't as virulant or contagious as the the rule assumes to sustain its reasonableness. Isn't the idea to raise revenue from thriving businesses? Your own government jobs may be in peril if you succeed to raise unemployment and impair businesses in Va. You won't have the tax revenue to sustain your own jobs. Bottom line, study, analyze, peer-review, assess, collaborate over time to come up with workable non-restrictive solutions involving strong incentives to encourage voluntarily compliance. Respectfully, No More Masks, Please	9/25/20 5:42 pm CommentID:86443
Laura Steere	OPPOSE!! Small businesses will be hurt further!	We are small business owners in Virginia who opposes making the COVID-19 Workplace Safety Emergency Standard permanent. Six months into the pandemic, we have learned to adapt to this unprecedented time by implementing safety protocols from a number of federal and state entities to ensure physical distancing and extensive sanitization. We want to keep my employees and customers safe because we care about their welfare. Now is not the time to make the emergency temporary standard permanent when it's likely this *pandemic* will be temporary although COVID may be permanent. Imposing "one size fits all" COVID-19 regulations on all employers is unreasonable especially when guidance is continually changing as we learn more about the virus. The Board needs to take the time to see what challenges employers are facing implementing the emergency regulations before taking any further action. Our non-profit organization takes its responsibility for protecting its employees seriously. Making the COVID-19 emergency regulations permanent will only make a difficult situation worse for employers and employees. We remain concerned about the impact many of the provisions of the emergency regulations are having on our business and encourage the Board to not make them permanent	9/25/20 5:44 pm CommentID:86445
Tracy Armentrout, Stuarts Draft Daycare Center, LLC	Workplace Safety Emergency Regulations	I am a small business owner in Virginia who opposes making the COVID-19 Workplace Safety Emergency Standard permanent. Six months into the pandemic, I have learned to adapt to this unprecedented time by implementing safety protocols from a number of federal and state entities to ensure physical distancing and extensive sanitization. I want to keep my employees and customers safe because I care about their welfare. Now is not the time to make the emergency temporary standard permanent when it's likely this pandemic will be temporary. Imposing "one size fits all" COVID-19 regulations on all employers is unreasonable especially when guidance is continually changing as we learn more about the virus. The Board needs to take the time to see what challenges employers are facing implementing the emergency regulations before taking any further action. I have had no support from any state agency to run my daycare business. It seems everyday, we are being thrown a different regulation. This week the DOLI issued a mandate that all daycare workers wear facemask. This is absurd. We work with small children, and communication and emotional response through facial expression is a major milestone for young children. I understand the virus is real, but the response to this illness is the biggest hoax in history. My company takes its responsibility for protecting its employees seriously. Making the COVID-19 emergency regulations permanent will only make a difficult situation worse for employers and employees. Hiring staff is one of the biggest problems we have at the daycare. Mainly because the federal government thought it was a good idea to incentivize people to sit at home and make more more doing nothing than to work. I remain concerned about the impact many of the provisions of the emergency regulations are having on my business and encourage the Board to not make them permanent. We need a normal environment sooner than later. On November 4, 2020, this entire scheme will be over. Fed up with the litigation, and Governor. He is the biggest joke.	9/25/20 5:47 pm CommentID:86447

		Tracy Armentrout	
Amber Gaul	MASKS	Absolutely NO! We should have a choice to wear one or NOT wear one. This is ridiculous and has gone on long enough!	9/25/20 5:48 pm CommentID:86448
Jamie S.	Strongly opposed!	II am strongly opposed to mandatorymasking. It descrimates against those with healthy or moral issues with it.	9/25/20 5:49 pm CommentID:86449
Sara McFadden	Strongly oppose this proposal! What next mandatory Burqas? FREE YOUR FACE!!! 99.9% recovery rate	Strongly oppose. Face coverings should never be mandated. Will the government next mandate dresscode by fining people who dont wear a full Burqa? This virus has a 99.9% recovery rate. Stop the hysteria. Stop forcing businesses to enforce governments arbitrary "mandates." Stop lying to the people.	9/25/20 5:57 pm CommentID:86452
Thomas Centrella	Unjust, Unhealthy, Unreasonable	Please do not adopt the proposed policy to make mask-wearing permanent in Virginia. This is unjust to the people of Virginia. It is oppressive and unreasonable. It is also unhealthy. It cannot be good for people to have to constantly wear face coverings. I am strongly opposed to this resolution. I ask all public officials to please reject this unconstitutional proposal. Thank you.	9/25/20 6:01 pm CommentID:86453
Amber Arrighi	NO MASKS	Absolutely not. This goes against our constitutional rights. Wearing a mask all day at work on a normal circumstance to now wearing one almost all day everyday is beyond ridiculous. We are essentially breathing in our own toxins throughout the day while wearing these masks which is lowering our immune systems making us more susceptible to other medical conditions. NO MASK. Let's go back the normal and begin living our lives again. If we get it we get just like flu.	9/25/20 6:07 pm CommentID:86454
Heidi	Strongly Oppose	Strongly oppose these mandates which are in turn destroying more lives and causing collapse of businesses. With children of my own in a high risk category and my husband and I also in a higher risk I refuse to wear a mask or make others wear a mask to cause a suppressed immune system causing more risk and sickness. Since the mask mandate we've dealt with horrific headaches and dizziness that affect daily life. Our business has almost died and I don't understand why no one will listen to actually doctors! This charade has gone on long enough and society needs to come to terms that we are not invincible and there will always be sickness and death. If we are so incredibly concerned for all the deaths caused by Covid then why aren't we concerned with the Genocide of our most Vulnerable citizens? Why by choice thousands of lives are murdered in the US everyday? No amount of masks is going to change reality.	9/25/20 6:09 pm CommentID:86455
John	STRONGLY oppose	I strongly oppose wearing masks and view it a violation of my rights to permanently mandate mask wearing.	9/25/20 6:17 pm CommentID:86456
Amina Goheer	Strongly in favor of the standards	These standards provide absolutely necessary guidance to managers and supervisors on how to create a safe workspace for employees. Most workplaces have no idea how to manage workspaces, work procedures, and personnel guidance at a time of crisis, much less a worldwide pandemic. These standards give employers measurable and direct guidelines to follow that can ensure the safety of their employees. Likewise, these standards allow employees to keep their workplaces accountable to the public health measures necessitated by this pandemic. If employees feel that their safety is at risk, they can reference these standards when discussing worksite safety with their employers.	9/25/20 6:19 pm CommentID:86458
Jon Fidero	No masks	They are not effective or necessary.	9/25/20 6:22 pm CommentID:86460
Irma Powell	Oppose this unnatural initiative	These mandates from the beginning have been opposed to OSHA standards and common sense. Human beings need air. You are trading one problem for a myriad of others. It is an assault on our personal autonomy and our God given freedom to make our own determination regarding risk/benefit as regardsour own health. 80 pre-covid studies show clearly the minimal benefit if not detrimental effect of wearing masks. Medicine has become politicised and is threatening our personal freedoms. You were elected to protect our freedoms. Please do so.	9/25/20 6:23 pm CommentID:86461
Alex Starr, Lowes	STRONGLY oppose	I strongly oppose making this nonsense permanent.	9/25/20 6:25 pm CommentID:86462
Suzie	Enough is enough!	Enough is enough with the mandated mask wearing. With the Governor himself pushing mask wearing and still catching COVID - we all know it doesn't work. Mandating face coverings is a clear violation of our First Amendment freedoms and is not necessary to prevent disease spread as proven over and over by countless physicians. Open up our businesses and return our freedoms!	9/25/20 6:26 pm CommentID:86463
Rebecca Dayton	Mask Mandate is unconstitutional!	Absolutely I oppose making any type of face mask mandate permanent. We do not need it. It limits our American pursuit of life, liberty, and happiness. Sincerely, Rebecca Dayton	9/25/20 6:26 pm CommentID:86464
Kimberly	Recall Ralph	Absolutely not! Absurd.	9/25/20 6:29 pm CommentID:86466
Annette	Strongly oppose adoption of masks as permanent requirement.	I strongly oppose the adoption of masks and social distancing requirements to be permanent requirements. Socially we will only weaken our individual immune systems and not have developed the herd immunity that seems healthier for everyone.	9/25/20 6:31 pm CommentID:86467
Anonymous	Unconstitutional!!	This is insanity. We as free Americans should be able to decide our own risk and act accordingly. Since when do we require big brother to tell us how to lives our lives. End this madness!	9/25/20 6:31 pm CommentID:86468
Anonymous	Strongly Oppose - VA Business Coalition should seek Injunction	It is completely reasonable to assume that the legal requirements of Code of VA (CoV) 40.22-4 were disregarded in the execution of this standard. CoV 40.1-22 requires that the Safety and Health Codes Board (SHCB) "***study and investigate all phases of safety in business establishments***" as it relates to the standard. Certainly many other occupational laws have required many years of investigative research, composition, feedback by stakeholders, rewriting based on stakeholder feedback and passage into law. It is inconceivable that this requirement of VA law could be executed by the SHCB in the short 45-90 days it took execute this standard. This duty is owned to VA taxpayers by the State of Virginia. There were several significant and onerous changes, and numerous other changes included in the 7/15/20 final version of the standard that were not included in the 6/23/20 draft version of the standard that was available for public comment under the provision of 6VAC25-60-170, Public Participation in the Adoption of Standards, that now must be executed and burdened by employers as of 8/26/20. Specifically the final language added to 16VAC25-220-40.A.8(c)-(e) creates the potential for inflated positive test case rate recording, thus allowing a catalyst to slow the full "reopening of Virginia", causing further financial hardships. 16VAC25-220-80.G.1 substantially complicates and burdens employers in their execution of employee training by summarizing 35 pages of standard into understandable layperson terms. For these reasons, as well as many others that cant be presented in 3000 words, the VA Business Coalition should seek a Declarative Judgement and Temporary Injunction of the entire standard allowed by CoV 40.1-22.7.	9/25/20 6:34 pm CommentID:86469
Eileen	Mask mandate	Masks harbor disease and lower the immune system! Absolutely NO mandated masks!!	9/25/20 6:37 pm CommentID:86470
J. Harry	STRONGLY OPPOSE	Overreach and unnecessary!	9/25/20 6:37 pm CommentID:86471
Rich Jenkins	Oppressive regulation once COVID is over	I've been supportive of the requirements Virginia has set forth for combatting COVID but it isn't healthy or necessary for my business or for Virginia's economy to continue the requirements after COVID is beaten. As it is, I'm dismayed that the board is not keeping pace with the CDC and leaving expensive and oppressive requirements in place when even the CDC doesn't require them (such as the 2 week employee quarantine for air travel). Virginia Small Business is dying, especially in the service and hospitality industries. I see it every time I go out, and I know it as my network of fellow business owners dwindles away. We're facing staffing shortages caused by the federal unemployment subsidy, a minimum wage increase at a time when we have no money left, and now the prospect these overwhelming disease response requirements will be made permanent. Where will Virginians work if Richmond keeps smashing us down? Don't do this to us.	9/25/20 6:37 pm CommentID:86472
Wayne Teel, James Madison University	Poultry workers protection	Poultry processing is a messy, dirty, repetitive and mind numbing job. Most people won't do it, so we hire those who come here from other places, sometimes legally, sometimes not, to do what we will not. The we subject them the abuse of speeding lines of birds. They are already fast, and create various repetitive motion problems, but companies still want to increase line speeds. For covid we slowed them down. This has a positive impact on worker health (more distancing) and worker moral (less stress, better pride in work.) So why would we consider abandoning this slow down? Shouldn't we care for those who prepare and package our food? I think the wise course of action is to make the regulations designed to help workers in the time of Covid-19 permanent so these people can enjoy and increased quality of life, such as it is for those who are paid not far above minimum wage.	9/25/20 6:41 pm CommentID:86473
Dale Bennett, Virginia Trucking Association	Reject the ETS as a Permanent Standard	September 25, 2020 Submitted Electronically Jay Withrow, Director Division of Legal Support, ORA, OPPPI, and OWP Virginia Department of Labor and Industry 600 E. Main Street, Suite 207 Richmond, VA 23219 jay.withrow@doli.virginia.gov RE: Comments of the Virginia Trucking Association VA Department of Labor and Industry, Safety and Health Codes Board 16VAC25-220, Proposed Permanent Standard: Infectious Disease Prevention: SARSCoV2 Virus That Causes COVID-19 To Whom It May Concern: Thank you for the opportunity to comment on the consideration of 16VAC25-220, Proposed Permanent Standard: Infectious Disease Prevention: SARS-CoV2 Virus That Causes COVID-19 by the Virginia Safety and Health Codes Board (collectively, the "Regulations"). These comments are provided on behalf of the Virginia Trucking Association (VTA). As background, the VTA is the statewide association of trucking companies, private fleet operators, industry suppliers, and other firms interested in the well-being of motor freight motor transportation at the local, state and national level. Our membership includes family-owned and corporate trucking businesses engaged in the transport of goods and services throughout the Commonwealth of Virginia and the United States. The VTA membership includes companies that are headquartered in Virginia as well as companies headquartered in other states that have locations in Virginia and/or operate commercial vehicle in and through the Commonwealth. It is well known that throughout the COVID-19 pandemic, the trucking industry has continued to operate as an essential service, providing critical transportation of the essential goods and services needed to sustain the population and the economy. Professional truck drivers are the heroes who have kept moving to ensure everyone has the goods they need to get through these challenging times. The trucking industry has been able to continue operating by making commonsense adjustments to its operations, both on the road and within its shops and offices necessary to continue daily operations. Safety and Human Resources professionals within the trucking industry have spent countless hours poring over guidelines and recommendations from medical and industry experts to draft continuation plans that work best for their operations and provide the highest and most practical level of safeguards for their employees to protect them from COVID-19. Our position on safety has never wavered: Safety is of paramount importance. Since the onset of the COVID-19 pandemic, the VTA's member companies have remained committed to this principle, and as the Commonwealth and our nation begin to enter the recovery phase, the safety and health of their employees will continue to guide their decision-making.	9/25/20 6:41 pm CommentID:86474

		Trucking holds the keys to the economic recovery of Virginia and the nation, and as an industry, we are prepared to meet that challenge. However, to meet that challenge, the industry cannot be hindered with burdensome, impractical and unclear regulations such as the current Emergency Temporary Standard (ETS) that is being considered as a permanent standard. Therefore, we respectfully request that Board not adopt the ETS as 16VAC25-220, Permanent Standard: Infectious Disease Prevention: SARS-CoV2 Virus That Causes COVID-19. **Support of Comments filed by the Virginia Business Coalition**. The VTA is a member of the Virginia Business Coalition. We strongly support the comments filed by the Business Coalition and incorporate the concerns and issues they raised as part of these comments filed on behalf of the VTA. The remainder of these comments address concerns and issues with adoption of the ETS as a permanent standard. **The "One Size Fits All" ETS is Impractical in Many Ways for Trucking** The "One Size Fits All" approach of the proposed permanent standard makes compliance impractical and difficult for a highly mobile workforce like the trucking industry. The interstate nature of trucking requires a national regulatory scheme that provides certainty and uniformity needed to provide efficient transportation services. Virginia has mostly followed this approach by adopting Virginia regulations that mirror federal OSHA regulations. Thus, any trucking fleet or driver knows they are in compliance while operating or working in the Commonwealth if they comply with the federal OSHA standards. The issue of a federal ETS for COVID-19 has already been adjudicated at the federal level, with the US Court of Appeals for the District of Columbia Circuit denying the the AFL-CIO's May 18 petition as explained in the Business Coalition's comments. Virginia's adoption of the ETS as its own permanent standard will continue an uncertain and non-uniform compliance situation for trucking fleets operating in and through Virginia. **Specific Compliance Concerns and Issues for Trucking** We believe the ETS was drafted based on application to employers and employees in fixed facilities and workplaces, with little consideration for the compliance challenges imposed on trucking fleets and truck drivers. We assume that all trucking employees would be classified as "lower" or "medium" risk and will address these comments to the requirements for all employers and employees classified in those two risk categories. The VTA has previously submitted to the Department a series of questions about how the ETS would be applied and enforced against the trucking industry. We greatly appreciate Department staff responding to the some of the questions we submitted, however several of our questions have yet to be addressed and we are still unclear about some of the issues we raised. 1. A very important question that we are still not clear about is whether the Department intends to follow the federal interpretation of jurisdictional issues between federal OSHA and the U.S. DOT. Federal OSHA states, "While traveling on public highways, the [U.S.] Department of Transportation (DOT) has jurisdiction. However, while loading and unloading trucks, OSHA regulations govern the safety and health of the workers and the responsibilities of employers to ensure their safety at the warehouse, at the dock, at the rig, at the construction site, at the airport terminal and in all places truckers go to deliver and pick up loads." Without clear guidance from the Department on this question, trucking fleets operating in Virginia are uncertain about exactly when their drivers are subject to the ETS and when they are not. Additionally, in its answer to a question we posed about "industry standards" for PPE in regular trucking operations, the Department stated that "All federal OSHA identical standards and regulations enforced by VOSH in General Industry (29 CFR Part 1910) apply to general industry employers like the trucking industry, except where otherwise exempted by §4(b)(1) of the OSH Act of 1970. Two such standards are the Personal Protective Equipment (PPE) (1910.132[1]) and Respiratory Protection (1910.134[2]) standards. COVID-19 is a respiratory disease that spreads easily through airborne transmission between persons in contact with each other inside six feet, so the PPE and Respirator Standards are considered applicable." Does the Department's response mean that any PPE and/or face coverings requirements in the ETS do not apply to two truck drivers operating subject to U.S. DOT regulations in a "team operation" on the highways of the Commonwealth occupying the same truck cab where a six-foot distance is impossible to achieve? 2. Another important, unresolved question involves "Exposure risk level." We believe the vast majority of employees in the trucking industry, especially truck drivers, would be considered to have "Lower" exposure risk hazards or job tasks. However, if a truck driver is performing loading or unloading activities at a facility or business listed in the definition of "Medium" exposure risk hazards or job tasks, would that driver then be considered to be at a "medium" exposure risk level and subject to the requirements of the ETS for that exposure risk level? 3. The prescreening or surveying requirement in § 60.B.1.b is very difficult, if not impossible, for employers of truck drivers to comply with. Long-haul truck drivers are on the road working for weeks at a time. They change shifts after taking off-duty rest periods mandated by the federal government while they are on the road. Because such drivers do not regularly return to their employer's physical facility between every shift, we are not sure how their employers would conduct this prescreening or surveying. Does the phrase "to the extent feasible" in B.1. mean that trucking employers in the situation described above will not be considered in violation of § 60.B.1.b? 4. We continue to strongly object to the whistleblower protection for employee complaints published to the news media and on social media in § 90.C. OSHA already provides whistleblower protection for truck drivers under the Surface Transportation Assistance Act (STAA). Under STAA, an employer may not discharge or in any manner retaliate against truck drivers for refusing to operate a vehicle because they have a reasonable apprehension of serious injury to themselves. We believe this widely-known whistleblower protection for truck drivers is adequate for truck drivers to report any infectious disease safety concerns they may have. Additionally, we strongly oppose any protections for workers that allow them to post any derogatory or disparaging comments about former or current employers to the public such as through print, online, social, or any other media. Whistleblower protection should be provided for employees to file complaints with government agencies where they can be fully investigated and acted on and not for public posts on social and other media where there is no accountability for the accuracy of the content, other than expensive legal action by the employer. **Conclusion** It is unreasonable to apply these "one size fits all" COVID-19 regulations to all employers and employees, especially an interstate business like trucking with a highly mobile workforce that does not work in brick and mortar facilities. Regulations written to address fixed facilities and businesses are impractical and difficult to comply with for the trucking industry as illustrated in the questions we have asked. Safety is of paramount importance to the trucking industry as we continue to provide essential transportation service as we begin to reopen the economy. We will continue to provide the highest and most practical level of safeguards for our employees to protect them from COVID-19 as freight demand increases as our economy recovers. However, to efficiently meet that challenge, the industry cannot be hindered with the burdensome, impractical and unnecessary ETS as a permanent standard. There are flaws in the ETS that need to be addressed and there is still confusion and uncertainty about application and enforcement of the ETS on trucking fleet employers. Therefore, we respectfully request that the Board reject adoption of the ETS as a permanent standard and utilize the sufficient authority and enforcement powers it already has to address the concerns of unsafe work environments. Please contact me if you need any additional information or have any questions regarding these comments or the trucking industry. Sincerely, P. Dale Bennett President & CEO	
Rob	Enough - strongly oppose!	There is no need for masks or social distancing. The virus is nothing more than a common cold (info suppressed by CDC)! MSM is lying! Mortality rates are extremely low - around those of the flu and we don't do the same for the flu! If masks work, why do we need to social distance? If social distancing works, why masks? If either works, why lock downs? The point is, we don't need any of it. If this was truly lethal, people would be dying everywhere. Stop trampling on our First Amendment right to choose whether to wear a mask, etc.!	9/25/20 6:46 pm CommentID:86475
Kathleen Pelton	NO! Permanent mask wearing...NO!	We strongly oppose permanent mask wearing in Virginia!! Do not do this and impose it on Virginia residents!	9/25/20 6:48 pm CommentID:86476
Erika Yalowitz	Strong Support for Permanent Standards	My name is Erika Yalowitz, a member of the American Federation of State County & Municipal Employees (AFSCME) and frontline public employee serving as a juvenile court intake officer and probation counselor. I take a deep sense of pride in being there for my clients at some of the most difficult times of their lives, and having the chance to support children at risk and survivors of domestic violence. I balance my work in public service with being a wife and a mother to my school-age child. As a parent, like many of my co-workers, I am concerned about the risk of exposure and bringing this virus home to our families. We need VOSH to make the emergency temporary standard permanent to protect employees against the risk of exposure, have one set of requirements that employers must comply with, and protections for all employees. We need strong enforcement mechanisms so that employers take these standards seriously. Thank you for making Virginia the first in the nation to enact these temporary emergency standards and I urge you to protect Virginian workers and our families.	9/25/20 6:50 pm CommentID:86477
Freddie Williams, Jr., AFSCME Member	Make the Emergency Temporary Standards Permanent!	My name is Freddie Williams, Jr. and I am a member of the American Federation of State, County & Municipal Employees (AFSCME). I have served Arlington County in the Water, Sewer, and Streets division of Environmental Services for six years. Currently, I work as a Crew Leader supervising the work of three road crews. I take pride in my work and I want to see the county continue to prioritize our safety. While the work we do has us out in the community and in close contact with the public, the county's implemented measures to comply with the ETS. This has meant some measure of protection for us. Prior to the pandemic, it was typical practice for road crews to ride out to job sites four people in each vehicle. These conditions made physical distancing impossible.. However, in response to the newly implemented VOSH requirements, the county has enacted the practice of having employees ride alone. The impact of that decision alone has made a world of difference in mitigating risk of potential exposure. We need the Board to make the emergency temporary standard permanent so it continues to protect employees against the risk of exposure. The risk presented by COVID-19 has not passed and it is of the utmost importance that employers have clear directives as to what steps must be taken to protect employees and the public. Strong enforcement mechanisms will mean more compliance. Virginia has shown leadership in being first in the nation to enact these temporary emergency standards, and they can continue to lead by making the standards permanent. We urge you to protect Virginian workers and our families.	9/25/20 7:04 pm CommentID:86478
Thomas Dodson, Unlimited Air Mechanical	Oppose Permanent Standard	*I am a business owner in Virginia, and I oppose making the COVID-19 Workplace Safety Emergency Standard permanent.* *Six months into the pandemic, I have learned to adapt to this unprecedented time by implementing industry-specific guidance from the Governor, the Virginia Health Department, the CDC, and OSHA to ensure physical distancing and extensive sanitization. I want to keep my employees safe because I care about their welfare.* *Now is not the time to make the emergency temporary standard permanent when it's likely this pandemic will be temporary. Imposing "one size fits all" COVID-19 regulations on all employers and employees is unreasonable especially when guidance is continually changing as we learn more about the virus and how best to protect against it's spread. Knowing the temporary standard expires in February 2021, there is plenty of time for the Board to wait until we know more about how long the pandemic could last before taking any further action.* *My company takes its responsibility for protecting our employees seriously. Making the COVID-19 emergency regulations permanent will only make a difficult situation worse for employers and employees. I remain concerned about the impact many of the provisions of the emergency regulations are having on my business and encourage the Board to not make them permanent.* Respectively, Thomas	9/25/20 7:05 pm CommentID:86479
Barbara CLARK	Strongly Oppose	Scientists have said that a mask does nothing to protect you from the covid virus, they have loudly proclaimed that wearing a mask every single day, touching your face, especially wearing a cloth mask that never gets clean, and picks up lots of bacteria will only get you sick. Even wearing a paper mask just once will pick up a lot of bacteria.	9/25/20 7:06 pm CommentID:86480
Anonymous	NO, NO, NO to ANY MASK MANDATE!!!!!!!!!!!!!!!	We Virginians do NOT want any mask mandate. Not temporary. Not semi-permanent. Not permanent. Masks do not protect anyone from a virus, not even the N95 masks. All they do is give people a false sense of security. Mask wearers are also ending up getting sick from respiratory diseases and skin problems. They are dividing all of us. Probably just what you legislators want. You are treating us Virginians as little, ignorant children who can't figure out how to take care of our health. You, the government, have no business telling us what to do as far as our health is concerned. Leave	9/25/20 7:06 pm CommentID:86481

		us alone to make our own decisions. We are quite capable. Shame on you for trying to get this into law behind our backs. Shame on you.	
Tiffany CLARK	Strongly Oppose	Scientist, even Dr Fauci have proclaimed that wearing a mask is just symbolic, we do not need a law that is symbolic.	9/25/20 7:08 pm CommentID:86482
Anastasia CLARK	Strongly Oppose	It is time for the government to take their hands off our bodies. I refuse to wear a mask on my face or anywhere else for that matter.	9/25/20 7:09 pm CommentID:86483
Alexandra Clark	Mandatory masks are not about SAFETY but about SOCIAL CONTROL!	The truth needs to be told; mandatory masks are not about safety but about social control! Virologist Dr. Judy Mikovits, PhD offered a science-based warning about wearing face masks: “The masks on walks outside and while driving in your car is mind blowing to me. Do you not know how unhealthy it is to keep inhaling your carbon dioxide and restricting proper oxygen flow? I honestly cannot believe how non-logical we have become! We as a society seem to just listen to (perceived) authority without question. I don’t see a whole lot of critical thought happening here, I’m sorry to say. Why I opt NOT to wear a mask. Well, let me break it down for you. The body requires AMPLE amounts of oxygen for optimal immune health. Especially during a so-called ‘pandemic’. Proper oxygenation of your cells and blood is ESSENTIAL for the body to function as it needs to in order to fight off any illness. Masks will hamper oxygen intake. Unless you are working in a hospital setting, it is NOT necessary. But go ahead and hold onto to your security blanket if it makes you feel better. I do not listen to the government when it tries to instruct me on how to maintain health, nor do I trust their ‘stats” (which we know are based on unconfirmed numbers). Dr. Russell Blaylock also warns that not only do face masks fail to protect the healthy from getting sick, but they also create serious health risks to the wearer. The bottom line is that if you are not sick, you should not wear a face mask. https://www.technocracy.news/blaylock-face-masks-pose-serious-risks-to-the-healthy/	9/25/20 7:09 pm CommentID:86484
Ashley Clark	Strongly Oppose	The country of Sweden never mandated mask nor did they have any lockdown resulting in only one death. It is time for our government to remember who it is they are working for and stop being so politically correct, you were hired and elected to use logic and science not personal emotions.	9/25/20 7:15 pm CommentID:86486
Virginia Automotive Association	VAA Opposes Permanent ETS	Dear Mr. Withrow: Regarding the DOLI Board consideration of adopting permanent standards for COVID-19, our organization opposes such, and encourages you to not make the ETS permanent. Our members are all small business owners, and their employees and customers are the life blood of their businesses. Thus, they are committed to keeping their work environment safe for both employees and customers. As I had mentioned to you in previous communications, the very nature of our building layout in this industry, naturally gives social distancing for employees. In addition, most offer numerous methods to achieve contactless service, so customers can get necessary repairs to keep their vehicles safe while minimizing their interaction with the shop. No one is expecting this pandemic to last forever, and thus business owners should not be forced to comply with these regulations on a permanent basis. Many of the provisions of ETS are not consistent with federal guidelines, and are a challenge for our members’ small businesses. Our owners are doing every thing they can to survive, keep their employees employed, and maintain a safe work environment. We respectfully request you not make the ETS regulations permanent, and ask you sunset these when the Governor’s state of emergency ends. Thank you for your consideration. Steve Akridge, VAA Executive Director	9/25/20 7:16 pm CommentID:86488
Michael Clark	Mandatory-mask policies provide a foundation to weaponize against American liberty!	“Mandatory-masking policies provide a valuable foundation to weaponize the virus against American liberty—now and in the future.” https://thefederalist.com/2020/05/27/mandatory-masks-arent-about-safety-theyre-about-social-control/ What happened to the American spirit that fought against tyranny and for freedom? Fought for what is right and defending the truth? Submitting to tyrants or least evil men who are promising safety and protection is the way of communism. The point of the masks is to plant the seed for much bigger growth towards communism. The masks are being pushed to teach the American people that if we want to get some sense of normal, we have to accept abnormality. If we want to save each other we have to submit to the mask, though it does not have any scientific backing or common sense. If everyone is wearing a mask, it is the social pressure that we must accept this new status quo. Each freedom we give up, as small as it may be, is priming the American spirit to be tamed to the communistic way of thinking and living. There is an agenda to the masks and one which we should question and not overlook. It’s time to remove the mask of this evil agenda!	9/25/20 7:16 pm CommentID:86489
Jennifer myers	Strongly oppose a permanent standard.	I strongly oppose making this a permanent standard. It was meant to be temporary.	9/25/20 7:18 pm CommentID:86490
Steve Cherry	NO MASKS	You people at the VDH have got to be out of your freakin minds. No, no, and hell no. No more masks.! Enough of this nonsense.	9/25/20 7:20 pm CommentID:86491
Tracy Allen	Proposed Covid Regulation	Abosolutely NO. This 100% unconstitutional. Undoubtedly, there will be Law Suits!!!	9/25/20 7:21 pm CommentID:86492
Mary Torres	Tyrannical Mask mandates!	Strongly oppose and down right reject any mask mandate!!! Give me air or give me death!!!!! Dictator Northam needs to quit violating his constituents rights for political reasons. Either he doesn't practice what he is trying to mandate or it doesn't work anyway or he and his wife wouldn't have covid now!! The [redacted] needs to stop.	9/25/20 7:21 pm CommentID:86494
Carolyn McNamara	No permanent ban with such a high penalty	No permanent ban with such a high penalty.	9/25/20 7:22 pm CommentID:86495
Christopher Eck	COVID Mandate	This is another example of the states unconstitutional overreach. This should NOT be Approved, It is trying to make permanent what are "temporary" emergency orders. DO NOT APPROVE!!!!!!	9/25/20 7:23 pm CommentID:86496
Marie Lundberg	Mask requirements	Strongly oppose the proposed requirements.	9/25/20 7:24 pm CommentID:86497
Griffin E	NO, NO, NO mask mandates!!! Stop this now!!	This governor has completely gone out of control with his "Emergency Orders"!! This has got to stop.	9/25/20 7:27 pm CommentID:86499
Nicholas Clark	What happened to my body my choice?	I won't be getting sicker!!! Dr. Russell Blaylock, a neurosurgeon, wrote that masks could make you sicker. It could also create a “deadly cytokine storm” in some by wearing the masks on a daily basis, especially if worn for several hours. “When a person is infected with a respiratory virus, they will expel some of the virus with each breath. If they are wearing a mask, especially an N95 mask or other tightly fitting mask, they will be constantly rebreathing the viruses, raising the concentration of the virus in the lungs and the nasal passages. We know that people who have the worst reactions to the coronavirus have the highest concentrations of the virus early on. And this leads to the deadly cytokine storm in a selected number.”	9/25/20 7:28 pm CommentID:86500
Andrew Clark	Masks do more HARM to workers!!!	Think about this: The recovery rate is 98% but people are acting like this is the worst uncurable disease of the century. And remember mask wearing is only 14% effective, but it is mandatory for your health? This video here from two great doctors in Bakersfield, CA was censored by big tech because it goes against the One World domination to force you to wear these masks that are not healthy and all the facts support that!: https://www.thenewmovement.org/uploads/b/109805546-223370554866481218/doctors_318.mp4	9/25/20 7:33 pm CommentID:86501
M.C. Tritle	Strongly, vehemently oppose.	This is an outrageous response to what the CDC’s own statistics point out is the equivalent of a strong flu. Why the overreaching desire to control when there isn’t even a standard for mask requirements in the first place? Demonstrate sanity and rationality beyond the current moments panic and say “no” to this nonsense.	9/25/20 7:37 pm CommentID:86503
V. Tritle	Absolutely oppose this bizarre effort.	Say no to petty tyranny and the desire to control others.	9/25/20 7:39 pm CommentID:86504
Va resident	Opposed to unconstitutional mask mandates!	I am strongly opposed to the unconstitutional overreach of the current governor in Va. The damage, devision and mental instability displayed by those who sincerely believe that a mask is actually keeping them protected is only one example of the terrible results of mandating masks. Even if the governor and his administration does not have any regard for intellectual integrity or truth, for the sake of our beautiful state and dear residents of Virginia do not mandate mask wearing!	9/25/20 7:39 pm CommentID:86505
Matthew	No Mask Mandate	This 100% unconstitutional. The CDC data, regardless of what the MSM will comment on, states that masks do not work. Doctors state that masks do not work. Stop the tyranny. https://wwwnc.cdc.gov/eid/article/26/5/19-0994_article https://www.primarydoctor.org/masks-not-effect https://www.cebm.net/covid-19/masking-lack-of-evidence-with-politics/ Look at Sweden: https://www.thetimes.co.uk/article/sweden-beating-coronavirus-with-herd-immunity-expert-claims-pmmww8b7k	9/25/20 7:39 pm CommentID:86506
Gabrielle Tuttle	Opposed to the mask mandate.	Opposed to the mask mandate.	9/25/20 7:40 pm CommentID:86507
Christine Werne	Strongly oppose	while I appreciate the temporary nature, I see no benefit in these regulations becoming permanent	9/25/20 7:40 pm CommentID:86508
Rose Mary Cosby	mask wearing opposed	Strongly oppose any mask wearing mandate	9/25/20 7:47 pm CommentID:86509
Regina Schmiedicke	Strongly oppose mask mandate!	I strongly oppose the mandate to wear masks at places of employment. I have asthma and this means sometimes I have difficulty with shortness of breath and breathing in general. Face coverings or face shields can make this condition worse. I do not want to be forced to wear a mask in order to work!	9/25/20 7:47 pm CommentID:86510
Xavier Torres	Oppose mask mandate	I am opposed to renewing the mask mandate. This is unconstitutional and not enforceable by law enforcement. It is time to stop playing games with people's lives.	9/25/20 7:47 pm CommentID:86511
Jason Seibel, Massage Envy	oppose	oppose	9/25/20 7:48 pm CommentID:86512
Andrew Knepper	Oppose Unconstitutional Face Mask Order	The proposed face mask requirements are unconstitutional and unfairly target business owners. They will not be held up in court. There is absolutely no reason to make a permanent order for a temporary problem. Stop this nonsense immediately. Our leaders in Virginia should be ashamed of themselves.	9/25/20 7:48 pm CommentID:86513
George Huger	No Permanent Policy at this Time.	I believe that it is a little premature to establish a permanent Standard Operating Procedure and State Regulation. I believe that permanent regulations should be based on solid facts. There are no real facts that are known about this virus at this time. And this commission is not making policy on facts. This policy is based on political rhetoric and media hysterics. The responsible way for government to operate is to wait until the real causes and effects are know and make good educated decisions. It seems rather irresponsible for an administration that creates policy based on facts to rush into a permanent policy before all the facts are even really know. Why not wait and get right or just realize we already have too many regulations.	9/25/20 7:50 pm CommentID:86514
Mary M	Oppose	I do not agree with this mandate. The death rate of the virus does not warrant it.	9/25/20 7:55 pm CommentID:86515
Adam Haas	Protect Poultry Workers	It's extremely important that we make the emergency covid 19 measures permanent for poultry workers. These workers are staples of our communities and economy. This industry is a powerful force in our community and we need to support them. If we give up on the building blocks of our community we are giving up on ourselves. We need to strengthen and support the forces that make our area great and prosperous.	9/25/20 7:57 pm CommentID:86516
Anonymous	Do not agree to be permanent	Citizens and businesses should be allowed the right to unmasked opportunities providing all participants are healthy along with otherwise following safety and sanitation guidelines.	9/25/20 7:57 pm CommentID:86517
Malcolm Cameron	Make Emergency Work Standards for COVID-19 Permanent Standards	For the health, safety and well being of all workers, it is imperative that the emergency work standards now in effect due to COVID 19 be made permanent.	9/25/20 7:59 pm CommentID:86519
Michael Snell-Feikema, Community Solidarity with the	Making the Emergency Tempory Standards on Covid-19 in the Workplace	Virginia led the way with the Emergency Temporary Standards creating the first in the nation mandatory and enforceable standards protecting workers in the workplace from Covid-19. These standards have not only benefited the workers of Virginia they have also set a positive example for all states. Making the standards permanent will not only ensure protection for workers and establish a common standard that all	9/25/20 8:00 pm CommentID:86520

Poultry Workers	Permanent	companies must adhere to in Virginia, it will also continue to set an example for the rest of the country, an example that is sorely needed in this period of national crisis.	
Christine Centrella	Oppose Mandate of Permanent Wearing of Masks	I oppose the mandate requiring the permanent wearing of masks in Virginia.	9/25/20 8:01 pm CommentID:86521
Donna	I say no to Masks!	I am 90 years old and I do not wear a mask. Why? Because you know, and I know - THEY DO NOT WORK. Stop the lying and stop the control. This is unlawful.	9/25/20 8:01 pm CommentID:86522
Darden Brock	opposed	I'm completely opposed to the mask mandate. The science does not back this up. We deserve freedom choice.	9/25/20 8:02 pm CommentID:86523
Anonymous	Strongly oppose to permanently wearing masks. This is a temporary solution to a temporary problem.	Strongly oppose to making masks permanent. Temporary solution to a temporary problem.	9/25/20 8:04 pm CommentID:86525
Laura Dent	Make the emergency temporary standards to protect Virginia workers from Covid-19 permanent	We need permanent standards to ensure that workers are protected even if doing so costs money or slows production. Workers and their families and communities must not be sacrificed to profit or any other "imperatives." The moral imperative is to protect the lives of workers and their loved ones and to do that we need permanent mandatory and enforceable standards. It could save the lives and health of many precious human beings. Thank you, Laura Dent	9/25/20 8:06 pm CommentID:86526
Connie Youngman	Absolutely no to permanent mandates!	I am adamantly opposed to wearing masks. I have seen no convincing evidence that they help to stop the spread of the virus and I strongly believe that we are being controlled through fear. Nor will I consent to any vaccine.	9/25/20 8:09 pm CommentID:86527
Phil Bailey	there is absolutely no reason for government interference for a short term situation	There is no reason for the government to put long term regulation in to a short term situation. Unnecessary burden.	9/25/20 8:14 pm CommentID:86528
Andria M	Oppose mask mandate	If people want to wear masks it should be voluntary.	9/25/20 8:17 pm CommentID:86529
Katy Vander Woude	Opposed by healthcare professional	I am strongly opposed to the covid health regulations, especially the mask mandate. I am a healthcare professional. I have done hours of research on covid. This "virus" has never been determined infectious from the beginning. Face coverings for not do what people think. Wearing them is going to make people more sick. End the fear. End the insanity. We are not afraid.	9/25/20 8:19 pm CommentID:86530
Anonymous	No to masks	No to the mask mandate.	9/25/20 8:20 pm CommentID:86531
Anonymous	No to masks!	No to masks! They don't stop the virus.	9/25/20 8:23 pm CommentID:86532
Anonymous	Absolutely oppose mask mandates...	Absolutely oppose mask mandates. Don't need the govt to tell me how to stay healthy. I'm perfectly capable of taking care of my health... have been doing so for 68 years! Govt should be protecting my freedom and rights... nothing more!	9/25/20 8:24 pm CommentID:86533
Tracy Allen-Eck	NO to COVID mandates and ESPECIALLY the mandatory MASK requirement. STOP it NOW!!!!!!!!!!!	First, we as Virginians were asked to help slow the curve of the COVID virus for the sole purpose of reducing the number of deaths and over crowding the hospitals. The over crowding of the hospitals never happened and death count has continued to decrease. Now, the Northam has changed the original reason for the masks and not fully opening up to eliminate the virus. Now he is purely looking at the number of cases. How ridiculous and outrageous!! And now, he has decided to continue to put our state in a State of Emergency so that he can basically, be a dictator. This must stop!!! This has deeply hurt our kids with all the ridiculous mandates for the schools. There are more kids seeking counseling now then ever. And the CDC has changed their message on the use of masks more than 8 times since this started. They have changed their message at least monthly on whether masks help or hurt or do nothing. Whether a vaccination will be good or limited or now a vaccination is going to be less effective then a mask. This is the CDC's last message to America. And you want to go by what the CDC recommends, not mandates. It's time to take the chains off of Virginians. We should decide if we want to wear a mask or not. Whether we want to take a vaccination or not. And stop hurting the businesses. Let them decide on how they want to handle this situation. You have already put enough people out of work.	9/25/20 8:25 pm CommentID:86534
Anonymous	NO	I am opposed to all COVID-19 regulations becoming permanent in Virginia. Businesses should be able to operate at the scale they were previously, and residents should be able to choose whether or not to wear masks and social distance.	9/25/20 8:27 pm CommentID:86535
Michael Turner	No to mask mandates		9/25/20 8:28 pm CommentID:86536
Michael Turner	No to mask mandates	No to mask mandates	9/25/20 8:29 pm CommentID:86537
Anonymous	Strongly oppose permanent mask mandates. Vote NO!	I absolutely oppose the proposed permanent mask mandate for VA residents. We, the people, need the freedom to make the decision for our health. Protect our individual freedom we are entitled to. Vote NO!	9/25/20 8:37 pm CommentID:86538
Leonidas	This is madness!	I do not support this measure	9/25/20 8:37 pm CommentID:86539
Patrick, Nurse Practitioner	No to indefinite covid restrictions	As a healthcare provider I firmly belief in the importance of human contact with my patients. By pushing an agenda that hides who I am as a person, and hides who my patients are is a dangerous and inhumane measure. Please stop acting like masks and gloves do anything, and show me a study that shows masks work against a droplet illness in SOCIETY, not in a hospital...a well conditioned immune system is where we should be devoting our time and effort. Furthermore, according to statistics published by the CDC on 9-10-2020, the recovery rate for this illness is in excess of 99%...for the vast majority of the population. Stop using idealogical based medicine and start using actual evidence.	9/25/20 8:38 pm CommentID:86540
Megan Getz	Strongly Opposed	Strongly Opposed to mask mandate!	9/25/20 8:41 pm CommentID:86541
Anonymous	Mandate for permanent face masks.	NO. NO, NO. NO !!!	9/25/20 8:43 pm CommentID:86542
Rachel Williams	Opposed to permanent mandate.	Strongly disagree with a permanent mask mandate.	9/25/20 8:44 pm CommentID:86543
Robert Hickson	Opposed fully	I fully oppose this declared intention: dubious sociology, dubious rules, a tragic constriction for the children and their faces.	9/25/20 8:45 pm CommentID:86544
Dale	No, in the strongest way possible, no.	No I do not support this	9/25/20 8:45 pm CommentID:86545
Jennifer Webb City of Norfolk Utilities Engineering Technician I AFSCME VA	Support for Permanent VOSH Standards	My name is Jennifer Webb and I have been in the City of Norfolk Department of Utilities for seven (7) years and I am performing essential Frontlines work as an Engineering Technician I. I am also a single mother of eight (8) school aged children, which I am the sole provider and protector. I worry about the safety and health of my children. My daughter who is 4 years old, is a COVID-19 survivor. As a mother of children that have underlying health/ medical conditions, I worry at work every day that I will bring this virus home to my children. I support the proposed VOSH permanent standard for infectious disease prevention for COVID-19. The City of Norfolk is not properly notifying us when an employee has tested positive or has been exposed, or if we work within close proximity of a worker who has tested positive for COVID-19. I am the bread winner in my household. I honestly do not know what I would do if I contracted this dreaded virus. How would I be able to provide for my household? These are scary times! Recently, I have had to split my time between transporting my kids back and forth to their doctor appointments and working ten (10) hours days, so this pandemic has brought about serious personal and professional challenges for me. We also need access to PPE when we cannot properly stay physically distanced from our coworkers. Right now, during the pandemic, we are riding four (4) and five (5) employees to a vehicle with no shields to protect and/or distance ourselves. Other Norfolk Employees and I, with the support of Health and Safety experts from AFSCME District Council 20 and the AFSCME International have been advocating to improve VOSH Standards for some time and recently reached out to several City of Norfolk officials to meet and make suggestions to help further these efforts. The City of Norfolk, on one occasion provided employees a pack of masks, but once they were no longer useable and out of stock, we were told we were on our own. How could this happen? The standard should include, at minimum a (daily; weekly; monthly; quarterly) mask distribution protocol and COVID-19 exposure log, as well as requirements for managing cases. Please consider my advocacy for a permanent VOSH Standard to protect Front-Line Essential Workers in the City of Norfolk. Thank you. typing to enter your comments. You are limited to approximately 3000 words.	9/25/20 8:46 pm CommentID:86546
Anonymous	NO MASK MANDATES	NO MASK MANDATES!!! This is a free country!!! Enough controlling!!!	9/25/20 8:46 pm CommentID:86547
Anonymous	We will live free or die fighting	Don't you dare try and make me wear a mask permanently	9/25/20 8:47 pm CommentID:86548
Tim Wagner	It's Time To Stop All Masking	There is no remaining scientific basis to force any masking whatsoever. The CDC has admitted that less than ten thousand people in the entire United States have died of Covid-19 alone. All others had 2 to 3 other co-morbid conditions that would have soon taken their lives. The harm caused by the mental anguish and oxygen deprivation associated with masking is far worse than the virus itself. Furthermore, in comparison, more people have died of heart disease in the past week than have died of Covid-19 alone in the 6+ months since it was discovered. I say, stop masking now!	9/25/20 8:52 pm CommentID:86549
Tonya R.	Opposed to mask mandate	I strongly oppose a mask mandate.	9/25/20 8:54 pm CommentID:86550
G.J. Stanford	COVID 19 permanent mandates	Strongly opposed.	9/25/20 8:54 pm CommentID:86551
Gregory Whittaker	Absurd Proposal	I strongly oppose this proposal.	9/25/20 8:55 pm CommentID:86552
Natalie Klaiber	Strongly oppose mask mandates	I strongly oppose mask mandates!	9/25/20 8:56 pm CommentID:86553
Susan Wilcox CIH CSP	Permanent std	No ! VA does not need this. There is absolutely no justification for it. Period. We don't have a standard for any other communicable disease. This is not an occupational health issue. It is a public health issue. VOSH is way out of bounds here.	9/25/20 8:57 pm CommentID:86555
Anonymous	Face mask	Stop mandatory wearing of face masks!	9/25/20 8:57 pm CommentID:86556
Anonymous	Strongly Oppose Mandatory Masks in va	I Strongly Oppose Mandatory Masks in Va	9/25/20 8:57 pm CommentID:86557
David Furlong	Please make the emergency standards permanent	Let's protect the Workers and their communities in Virginia from covid-19 for the entire duration of this pandemic. Make the standards permanent and help create a healthy and productive workplace environment. The standards allow the workers some input into their workplace and keeps everyone safe - even beyond the workplace walls. It's the right thing to do! Let's do it! Regards, David from Broadway, Va.	9/25/20 8:59 pm CommentID:86558
Doris Crouse-Mays and Rebecca Reindel, AFL-CIO	AFL-CIO Comments on Virginia's Efforts to Adopt a Permanent OSHA COVID-19	September 25, 2020	9/25/20 9:00 pm CommentID:86559

Standard

Re: “Department of Labor and Industry Announces Intent to Adopt a Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220”

To Whom it May Concern:

The Virginia AFL-CIO, a state federation of the national AFL-CIO, represents over 300,000 union members and their families. With over 300 affiliated local unions in the Commonwealth, unions represent workers in a broad range of industries including healthcare, first response, food processing, manufacturing, hospitality, construction, transportation, utilities, grocery and retail service, education, and others; in private and public sectors; in stationary and mobile workplaces. Our members work side-by-side millions of non-unionized workers.

The Virginia AFL-CIO commends the Commonwealth, through its Department of Labor and Industry and Safety and Health Codes Board, for being the first state to expeditiously and thoughtfully issue a strong, comprehensive emergency temporary standard (ETS) to protect workers from the SARS-CoV-2 virus and to promulgate a permanent standard. The response by the Virginia government to reduce the spread of COVID-19 by addressing workplace exposures in a permanent standard is groundbreaking and will continue to make Virginia a premier state because of its response to the COVID-19 pandemic. At least 144,433 Virginians have been infected and 3,136have died [The New York Times. Covid in the U.S.: Latest Map and Case Count. Updated Sep. 25, 2020, 5:24pm ET. Accessed Sep. 25, 2020, 8:30pm ET]. We urge the Safety and Health Codes Board to swiftly approve the proposed permanent standard with several recommended improvements and to remain vigilant in protecting working people in Virginia.

The permanent standard must be finalized and issued to protect working people.

Early in the pandemic, it was clear that the spread of COVID-19 would continue to be aggressive, workplace outbreaks were inextricably linked with community spread and preventive measures were needed in both workplaces and the community. The ETS is only effective for six months and will expire on January 27, 2021. Issuing a permanent standard to prevent workplace exposures is fundamental to continuing to mitigate the spread of COVID-19 in Virginia as our nation continues to struggle with the virus surge. While this programmatic standard is specific to COVID-19, it also is the foundation for addressing other infectious disease exposures in the workplace that lead to illness and death and prepares employers for future pandemics.

Even though overall COVID-19 outbreaks in Virginia have decreased over the past several months, there continue to be outbreaks in many sectors: Since August 1, there have been 97 outbreaks in long term care facilities, 70 in congregate settings, 19 in correctional facilities, 20 in health care facilities, and 57 in education settings, with more being reported daily. Outbreaks in education have not decreased; instead, 67% of the education outbreaks have occurred since August 1 [https://www.vdh.virginia.gov/coronavirus/coronavirus/covid-19-in-virginia-outbreaks/].

The rise in outbreaks within the education sector, right as schools reopen, shows how essential it is for the OSHA standard to cover all workplaces under its jurisdiction, without exemptions. To ensure there are no gaps in protections for any workers, the permanent standard must be promulgated expeditiously to cover all working people in Virginia.

The Virginia OSHA standard simplifies requirements for employers to protect workers from COVID-19.

A permanent COVID-19 standard increases the clarity for what employers must do to keep workers protected from COVID-19 on the job—for employers who must implement control measures and workers to know how their employers must protect them. The standard is issued and enforced by one agency, creating clear authority for who holds employers accountable for maintaining safe workplaces.

Guidelines that are less protective than the proposed standard and not enforceable continue to leave workers and their families and communities at very serious risk. Currently there are more than 100 different CDC guidance documents that change on a regular basis with no notification to the public or employers. Guidelines include piecemeal recommendations with no enforcement, so employers often implement some elements and not others, leaving workers without comprehensive and consistent protections.

The permanent VOSH COVID-19 standard would make the strong, comprehensive workplace protections in Virginia the floor level of protections, instead of the ceiling. Removing the current references in §16VAC25-220-10.G to the CDC guidelines and Department of Education guidelines avoids confusion and impractical options for employers. These provisions also create unnecessary complications for inspectors in evaluating employer compliance. It is much simpler for the Board to remove these provisions to ensure that employers have one reputable and clear source for requirements that improve working conditions and that workers have clarity in the actions their employer must take.

The proposed standard, or ETS, is a strong comprehensive standard based on current science and long-standing occupational safety and health practices.

The proposed standard was created by the Safety and Health Codes Board after public input and with occupational safety and health, public health, and industry expertise. The ETS approved by the board is a comprehensive standard using a programmatic approach to require employers to assess the hazards of SARS-Cov-2 in their workplaces and then, according to the risks identified in the hazard assessment, implement control measures using sound safety practices. The tiered risk classifications and programmatic approach allows employers to tailor their infection control plans to their workplace instead of being overly prescriptive.

The standard also includes requirements, in alignment with other programmatic OSHA standards such as bloodborne pathogens and respiratory protection, for commonsense control measures following the hierarchy of controls. The comprehensive approach in the standard is necessary to protect workers from all transmission routes of SARS-CoV-2: contact, large droplet, and small aerosol particles through the air. The science is overwhelming that the virus is airborne, that these small aerosol particles travel farther than six feet, and can linger in the air, which makes the virus more contagious, especially in certain settings. Evidence from major COVID-19 workplace outbreaks also supports the need for airborne transmission precautions: these major outbreaks have occurred where workers are densely packed with poor ventilation and only basic protections that might address contact and droplet transmission, but not airborne.

The key elements of the proposed standard are consistent with other OSHA programmatic standards and employers and workers are familiar with their structure and expectations. Some of the necessary standard elements that are key to protecting workers from COVID-19 include:

- Hazard assessment. It is essential for all employers, with worker involvement, to assess the hazards in their workplace to determine what, if any, control measures should be implemented.This is a requirement in every OSHA standard and necessary for all employers. We support the proposed provision.
- Infectious disease preparedness and response plan. Employers must address the risk of COVID-19 in their workplace by developing and implementing a plan that incorporates the engineering, administrative, work practice, and personal protective equipment controls necessary to address those risks. This standard provision allows the plan to be tailored to each individual workplace, can be as simple or in depth as necessary to address the extent of risks in a workplace and increases the reliability that the protections will be comprehensive and communicated to all necessary parties, especially in multi-employer worksites. It is the key provision to a programmatic standard and directly relies on the hazard assessment being performed. We support the proposed provision.
- Reporting and notification. It is essential for all known COVID-19 cases in the workplace to be properly communicated to the necessary parties for workers to make informed decisions about their and their families’ health, to facilitate prompt follow-up and contact tracing for positive cases, and to identify and investigate potential outbreaks. This provision is the only requirement for cases and outbreaks of infections to be systematically reported by employers. Without this provision, there are no requirements in Virginia that collect employment and case data. We support the proposed provisions, but encourage the Board to adopt the recommended change to the outbreak definition discussed below.
- Removal of persons who are known or suspected to be infected. The proposed standard includes provisions we support to ensure that no known or suspected persons remain on the work site. This is essential to prevent spread of the virus in the workplace. However, we encourage the Board to consider expanding those who cannot remain on the worksite to those who have a known exposure to COVID-19 to reduce the risk of asymptomatic and presymptomatic transmission. These critical public health measures must include additional protections for workers who must be removed from the worksite to prevent the virus spread. These recommendations are further discussed below.
- Return to work. The proposed standard includes return to work provisions that are in line with preventive recommendations from the CDC. However, CDC guidelines are constantly changing with no notification to the public and due to business demands instead of new virus or disease information. The proposed return to work provisions ensure that no one known or suspected to be infected with SARS-Cov-2 is in the workplace continuing to spread the virus to others. The return to work provisions also include sick leave provisions which need to be maintained in order to keep infected workers out of the worksite and encourage reporting of cases. Workers without sick leave are at an economic disadvantage to remain out of the workplace when required by the standard to protect their coworkers and community. This provision is especially important as the current proposed standard has no additional requirements to protect workers from retaliation if they become or are suspected to be infected or to encourage workers to remain at home when potentially contagious.
- Training. Training is essential to ensure that all workers understand the risks associated with exposure to the SARS-CoV-2 virus and COVID-19 cases in their workplace, the measures their employers are taking to protect them, and the tools and protections they need to safely perform their job tasks. The proposed tiered approach ensures all workers receive information commensurate with their workplace setting. We support these provisions.
- Ventilation requirements. We strongly support the specific ventilation provisions in the proposed standard as SARS-CoV-2 is an airborne transmissible virus and the proper ventilation and supply of fresh air is essential to reducing spread indoors.
- Respiratory protection. The proposed standard clearly defines respiratory protection and requires the appropriate assessment to determine the level of protection needed, as well as specifies appropriate respiratory protection for higher risk settings such as health care. We support these provisions.
- Face coverings. The proposed standard clearly defines face coverings, their limitations and their purpose to reduce the spread of droplet particles from the wearer. We support the proposed requirements for the use of face coverings by the public and workers who do not need respiratory protection based on the hazard assessment.

We encourage the Board to improve the proposed standard in the following areas.

I. As explained above, section §16VAC25-220-10.G must be removed as the allowance of compliance with CDC guidance or the Department of Education guidance creates confusion and it is much simpler for everyone to follow one comprehensive OSHA standard.

II. The scientific evidence that the virus causing COVID-19 primarily spreads through airborne transmission is overwhelming and well-recognized by the scientific community and in the proposed standard. Airborne viruses travel farther in the air than six feet, and the six-feet guideline is based on the estimated distance large droplets travel and not aerosolized virus particles. However, the proposed standard consistently refers to six-feet when physical distancing. Physical distancing should occur at the maximum distance possible, at a minimum of six feet, and be implemented in combination with other control measures for airborne transmission, including ventilation, reduction of persons in one area, reduced time spent in areas, and respirators when deemed necessary by the hazard assessment.

III. Medical removal requirements for those who have been exposed to SARS-CoV-2, or recommended by a medical or public health professional, must be added to the proposed standard. One of the most important control measures is to prevent known or exposed workers from entering the workplace. The proposed standard recognizes this by including the provision that does not allow employers to permit employees or other persons known or suspected to be infected with the virus to remain on the premises. See §16VAC25-220-40.A.5. It is logical to assume that workers with a known exposure to the virus may be infected with the virus and should also not be allowed on the premises until cleared for work. The final standard should include these individuals in the medical removal provisions to reduce the risk of asymptomatic and pre-symptomatic transmission. For workers who cannot report to work due to COVID-19 illness or exposure, the employer should provide up to two weeks of paid reassignment or sick leave in addition to whatever benefits to which the worker would otherwise be entitled. Additionally, all workers who are not allowed on the premises under the standard, must be protected from any retaliation or loss of benefits. The standard must require that employers maintain the employee's base earnings, seniority, and other rights and benefits that existed at the time of removal until cleared for return to work. These protections encourage workers, who otherwise would be afraid of retaliation, to report known exposures. These provisions are common in OSHA standards where continued presence at work can result in additional harm to the worker or, as in the case of COVID-19, coworkers, including in OSHA’s lead, formaldehyde, benzene, methylenedianiline, cadmium, methylene chloride, and beryllium standards.

IV. The proposed standard includes necessary reporting and notification requirements to VOSH when there is a workplace outbreak. To be consistent with the state’s definition, we recommend an update to the “outbreak” definition from “three or more employees present at the place of employment within a 14-day period testing positive for SARS-CoV-2 virus during that 14-day time period” to “two or more employees” within the same time frame [https://www.vdh.virginia.gov/coronavirus/coronavirus/covid-19-in-virginia-outbreaks/]. This change would also be in alignment with current outbreak definition from the Council of State and Territorial Epidemiologists [https://cdn.ymaws.com/www.cste.org/resource/resmgr/ps/positionstatement2020/Interim-20-ID-02_COVID-19.pdf].

V. While the proposed standard includes strong language for employers to include workers and worker representatives in the hazard assessment and development and review of the infection control plan, in practice, employers often fail to involve workers and their representatives in these processes. VOSH should ensure that both employers and workers are fully aware of the standard provisions through their educational materials and enforcement directives.

Arguments that a permanent standard is burdensome are unfounded.

		OSHA has a longstanding history of helping employers with compliance and enforcement discretion with employers who are making good faith efforts. In the public Safety and Health Codes Board meetings, VOSH made clear their intention to educate employers about the standard's requirements. We encourage the agency to issue a clear and comprehensive enforcement directive and any helpful guidance to ensure employers understand the requirements under the standard. Finalizing a standard that utilizes the proposed programmatic approach not only protects workers where there is risk of exposure to SARS-CoV-2, but reduces the requirements for employers when there is less risk. The proposed standard requires employers to perform a hazard assessment to first determine the risk and then implement strategies to control the risk. When there is no risk, for example, in the event that the virus is no longer a hazard in the workplace due to an effective vaccine or another reason, an employer would no longer have a hazard to control and no further requirements of the standard would apply. This scope and applicability is the structure of all OSHA standards. For example, the OSHA lead standard only applies to employers that perform job tasks where there is lead present as a workplace hazard. Virginia is the leader in requiring strong OSHA protections during the COVID-19 pandemic: it was the first state to issue an emergency temporary standard and is the first moving forward with the necessary permanent standard. The proposed standard, or ETS, is a strong comprehensive standard that is based soundly on current science and longstanding occupational safety and health practices and is saving lives. Virginia will be a model for employers to prepare for future pandemics. We strongly recommend that the Virginia Safety and Health Codes Board expeditiously finalize and make the ETS a permanent standard with several improvements. Sincerely, Doris Crouse-Mays Virginia AFL-CIO, President Rebecca L. Reindel, MS, MPH AFL-CIO, Safety and Health Director MK Fletcher, MSPH AFL-CIO, Safety and Health Specialist	
The Forresters	Opposed to this erosion of our freedom.	Strongly opposed to this!	9/25/20 9:01 pm CommentID:86560
Anonymous	No mandatory mask in hot factories	People will be passing out in hot unconditioned factories which poses a health risk to employers and employees.	9/25/20 9:04 pm CommentID:86561
Jane Wagner	Strongly Opposed To All Masking	I strongly oppose this proposal and all masking mandates anywhere.	9/25/20 9:05 pm CommentID:86562
Anonymous	No masks!	**NO MORE MASKS!!**	9/25/20 9:05 pm CommentID:86563
Anonymous	strongly oppose	I strongly oppose making the restrictions permanent.	9/25/20 9:07 pm CommentID:86564
ANGELA CASH	NO TO FACE MASKS!	Please! No to face masks! You are putting great fear into our children and causing great dissent among people for something that is not 100% effective. This is no way to live!	9/25/20 9:09 pm CommentID:86565
Kerry Costanzo the	STRONGLY opposed to mask mandate!!	STRONGLY opposed to mask mandate!	9/25/20 9:09 pm CommentID:86566
Christina Baker	No mandatory masks!!	There are too many detrimental health risks associated with wearing a mask, but even more importantly, criminals take full advantage of this mandate in order to harm people, property, and commit terrible crimes. People who fear getting sick should be free to wear one, but no one should be forced to wear one!	9/25/20 9:10 pm CommentID:86567
Anonymous	Virus prevention	This is the most ridiculous idea. It's	9/25/20 9:14 pm CommentID:86568
Virginia Resident	No to Permanent Mandates	It is apparent the motivating principle to institute a "permanent" regulation is to cause the most discontent and economic disruption prior to the election in the hope that enough voters will place the blame on President Trump and turn him out of office. The side benefit of imposing draconian controls on businesses is to continue economic suppression so as to have increasing numbers of the public throw themselves at the altar of the State and beg for scraps and to be ruled (not governed) by the "experts" who always know what is better for the rabble than would the rabble ever be able to discern. BTW, since statistics show seasonal flu is much more deadly to school children than the CCP virus has proven to be, where has been the urgent, permanent regulatory impetus to dictate school operations to prevent those deaths?	9/25/20 9:15 pm CommentID:86569
Jeff Martin, Lynchburg Water Resources	comment of potential of permanent standard	With the development and adoption of the Emergency Temporary Standard Infectious Disease Prevention: SARS-CoV-2 Virus that causes COVID-19 regulations, Virginia clearly demonstrated their commitment to employee health and safety. This temporary standard motivated many organizations to take initial or additional steps to protect employees. This temporary standard also modified some established aspects of current health and safety regulations such as, reporting requirements, redefining what could be considered a potential workplace exposure, and the employers responsibility in determining work relatedness of incidents. Now the question is whether to move this standard from being a temporary standard to a permanent standard. In some aspects, having programs or procedures in place to protect employees from the potential impact of viruses are beneficial. There are many studies that show the financial impact to organizations from the common cold and flu viruses that can spread through a workforce. Having measures that employers can implement to try and better control these potentials will only benefit everyone involved. However, having a permanent standard that addresses one specific virus or that modifies established health and safety standards may not be the best approach. First, a permanent standard does not allow for the flexibility to adjust to new research or procedures that may be determined to be more applicable. As an example, the temporary standard has guidelines for an employee to return to work after a COVID illness. As time progresses we can assume that research and treatment options may change the medically acceptable steps for this to occur. Will the standard be flexible enough to allow employers to keep up with the research? Even during the life of this temporary standard VDH has provided new and updated guidance and will a permanent standard allow practices, procedures, and programs to be modified to keep up with these recommendations from another state agency? Second, exposure potential for this virus is not limited to the workplace. In fact, in many instances the exposure potential is greater outside the work environment and employers are being held somewhat responsible for this potential. We have groups of employees that socialize together outside the work environment attending birthday parties, taking family vacations together, family outings together, attending weddings and funerals. If a group of employees become infected due to this contact outside the work place employers are required to notify VDH and VOSH. Why are employers held responsible for these non-work related exposure potentials? Traditionally it has been the employers responsibility to determine work relatedness for exposures and incidents but that has now been removed for this virus. Further, with medical providers notifying VDH of positive COVID tests why is this being repeated with the employer responsible for reporting as well, especially if there is evidence that it was a non-work related exposure? Third, there are letters of interruption indicating that exposure and getting the flu is not typically considered a work related exposure, even in the medical field. This temporary standard changes this for COVID. Are we ready to make this level of change in health and safety regulations in a permanent standard? Why not address the flu as well? I am not against some standard or practice that allows an employer to take steps to protect employees from all viruses. Some of the measures in this temporary standard will to some degree help keep the flu and common cold out of the workplace. But no matter if an organization complies with every health and safety regulation, every VDH guidance document, unless they operate a clean-room facility, this virus, any virus, can find its way into a facility. Is it the best practice to hold employers accountable from a financial standpoint, being fined, for having a virus in the workplace that cannot be fully controlled? Would it not be better to use the General Duty clause or Administrative Manual to allow employers to follow the guidance or recommendations of the research and health care industry to protect employees? A process that allows for this level of flexibility in programs and practices would make it easier for employers to adjust as we learn more about this virus. My organization has taken steps to comply with this temporary standard, we have increased employee training, increased cleaning and disinfecting, invested in equipment, have employees working remotely, prescreen employees, mandated PPE usage and with all these steps the virus can still impact our employees. Is a permanent standard really the best option at this time? Is the concern for being fined really the best approach at this time in the history of this virus?	9/25/20 9:18 pm CommentID:86570
Mitch	No masks	No masks!	9/25/20 9:20 pm CommentID:86571
Davis	No mandatory masks	We are opposed to mandatory masking.	9/25/20 9:20 pm CommentID:86572
Jim Clark	No more masks!	There is not even any concrete evidence that masks work! Also the CDC came out and said 94% of COVID deaths were not actually COVID related. Stop the madness!!	9/25/20 9:21 pm CommentID:86573
Caleb	Say NO to permanent masks!	I have been absolutely fed up with this whole "mandatory mask policy" crap. If the government of VA wishes to make mask-wearing permanent, then we might as well suffocate to death! Besides, this bogus COVID-19 virus only hurts the elderly and those with a history of terminal illnesses. If you want to make mask-wearing permanent, then do it to the elderly and terminally ill!	9/25/20 9:22 pm CommentID:86574
Bristow resident	NO to mandatory masks	Mandating masks is a hysterical reaction to the pandemic, especially as the CDC statistics show that people under 70 years old have less than 1% death rate from it. There is also no scientific evidence that masks protect from viruses; only that they make it harder to breathe!	9/25/20 9:24 pm CommentID:86575
bruce busching	the importance of standards	I simply hope you follow up with meaningful enforcement of standards. We here in the Shenandoah Valley face terrible working conditions especially in the poultry plants.	9/25/20 9:25 pm CommentID:86576
Mandy	No to masks	Please say not to mask wearing. We know more about this virus now and we need to get back to speaking with each other. I have yet to see a mask for sale that even protects from the virus. Most I have seen recently say "not for medical use", or "does not protect against coronavirus". The guidelines should be to wear one if you are sick and have a cough, not for everyone.	9/25/20 9:27 pm CommentID:86577
R.T.M	Mandatory masks are a bad idea	Mandatory masks would cause alot of problems legally, along with the flu being more dangerous overall. It's a terrible idea.	9/25/20 9:32 pm CommentID:86579
Teresamaria Randall	Don't force the public to wear masks!	Do not force us to wear masks that have no proof of helping spread contamination of Covid 19.	9/25/20 9:32 pm CommentID:86580
Mary OConnell	No to Masks	Enough, no more mask mandates	9/25/20 9:33 pm CommentID:86581
Frank	opposed to mandatory mask wearing.	Opposed to mandatory mask wearing.	9/25/20 9:34 pm CommentID:86582
Kathryn	No masks	The science does not support wearing masks. It gives people a false sense of security. Those working with the vulnerable should wear them; other citizens should not be required to do so.	9/25/20 9:34 pm CommentID:86583
Gordon Dixon, Virginia Transportation Construction Alliance	Proposed Permanent Standard for Infectious Disease Prevention	September 25, 2020 Dear Ms. Doss: One behalf of the Virginia Transportation Construction Alliance (VTCA), we are pleased to submit comments related to the proposed permanent Standard for Infectious Disease Prevention. Our detailed comments on this important matter exceed the limits of this software and the full comments, have been submitted to Ms. Doss prior to the deadline. The abbreviated version is below: We have learned a significant amount about working with the omnipresent threat of COVID-19, and have the following suggestions to offer based on our experiences.	9/25/20 9:36 pm CommentID:86585

		If a permanent standard is enacted, it should only relate to the current public health crisis related to COVID-19. All companies have enacted new protocols in the last six months. This has required many employees without any medical training to become de facto health officers to determine if employees may be infected. With cooler weather coming, cold and flu cases will likely increase. Since teleworking is not an option in most transportation construction jobs, companies utilize the best information they have – most of which is required to be reported by the employee – to determine an employee's fitness to work. Expanding this permanent standard any further would create additional, unnecessary challenges for industries such as ours. **The emergency temporary standard (ETS) language regarding Centers for Disease Control (CDC) guidelines is vague and confusing**. Guidance from the CDC is constantly changing, and employers are in the untenable position of determining whether that guidance provides equivalent or greater protection than the ETS. If this standard becomes permanent, it will become even more challenging. To bring greater clarity to the situation, those adhering to CDC guidance should be deemed in compliance, without having to determine how it comports with a potentially permanent Virginia standard. As an example, we have learned that airborne transmission is far more likely than transmission from surfaces. The CDC guidelines have the ability to adjust to the latest science, whereas a permanent standard does not. **The (ETS) lumps indoor and outdoor construction together in the medium exposure risk category**. These two types of construction are very different when it comes to potential exposure. Indoor construction is more likely to occur in confined spaces that share heating and air conditioning units. In fact, during the development of the ETS, most of the examples that were shared where COVID-19 had been contracted occurred in indoor settings. Social Distancing is the better control method. Road construction projects take place over many miles of road, allowing opportunities for social distancing. Only in circumstances when transportation workers find themselves in confined spaces, such as trenching, should the risk level rise to medium. Transportation construction firms constantly provide confined space training for employees. Additionally, employees that operate heavy equipment normally do so by themselves, much like a delivery driver. Delivery drivers are defined as low exposure risk by the ETS. We believe outdoor construction should be included in the low risk exposure category. **Face covering requirements need more definition and flexibility based on the circumstances in which they are being used**. While many employees are required to wear face coverings, it is important to understand the impact on other safety equipment and the employee's well-being. Face coverings can lead to safety glasses fogging up, creating a greater hazard for someone operating around heavy equipment. In extreme heat conditions, face coverings can increase the potential for heat-related illness. They can also muffle speech, making communication on a noisy job site challenging. **We support requiring firms to have a written plan and conduct training for all employees regarding COVID related hazards and risks.** What is missing from VOSH are standard templates that will promote consistency and clarity. Currently, the responsibility to draft and execute COVID related protocols to comply with the ETS falls on the employer and employee representative. If the Board had determined they need to issue permanent standards, the Board should also provide how those standards should be conducted. Given that our member companies, which have been essential businesses since the onset of the pandemic, have gained valuable experience safely working with the threat of COVID-19 and within the parameters of the ETS. We strongly believe that these changes need to be made if a permanent standard is to be created. Sincerely, Gordon Dixon Executive Vice President	
Susan Weber	Re mandatory masks - Absolutely Opposed	Absolutely opposed to mandatory masks	9/25/20 9:37 pm CommentID:86586
Mike Gooch	Absolutely no to permanent masks. Open up businesses. You cannot mandate what is done in homes!!!	absolutely no to permanent masks! Open up businesses and no monitoring of homes!	9/25/20 9:40 pm CommentID:86587
Anonymous	Oppose required face masks	Oppose any required face mask orders.	9/25/20 9:40 pm CommentID:86588
Anonymous	Permanent Standard does NOT make sense	While the current standard makes sense to protect the public in a temporary public health crisis, it does not make sense to make this a permanent standard. There are several clinical trials underway for a vaccine and at some point the standard will no longer be needed to manage public health.	9/25/20 9:40 pm CommentID:86589
Anonymous	Factual vs. Emotional	Please refer to facts as opposed to the emotional response generated mostly by media outlets. You may believe that masking is reducing viral spread but the fact of the matter is, most masks being worn provide little to no protection from the virus. Most masks are generic PPE, not N95 masks, that shield airborne viruses. Is there data to support that cotton and other basic masking reduces viral spread? Italy did not implement such stringent guidelines and we have made zero attempt to implement their obvious best practice. The current masking does not prevent spread of any virus that's thought to be spread via saliva droplets or respiratory function. Stop perpetrating fear and focus on factual information to lead the people that placed you in office. True leaders don't instill fear, they lead to adapt and overcome.	9/25/20 9:41 pm CommentID:86590
Annonymous	Mask mandate is unconstitutional	Enough of the pretending we're all in danger of dying of COVID 19. Please stop trying to turn our country into a communist controlled police state. I say let us live free or die. Masks are for clowns and actors but not for patriots and definitely not for me.	9/25/20 9:41 pm CommentID:86591
Lareta H Finger	All Workers Deserve Better Conditions	"Essential" workers, such as those in poultry plants, need protection from Covid-19. Many have become. The protections they have had must be made permanent and enforceable, not voluntary. Would you want these protections if you worked there?	9/25/20 9:46 pm CommentID:86592
Delane Karalow	Opposed to Masking Mandates	I am adamantly opposed to any mandatory mask requirements. The guidelines and recommendations are changing daily. The CDC has even just changed their recommendation regarding masks: they are increasingly shown to be less effective. More importantly, the mandating of masks is unconstitutional and goes beyond the constitutional powers of the Governor of Virginia. Furthermore, there are many who cannot wear masks for their own health reasons and disabilities. No to masking.	9/25/20 9:50 pm CommentID:86593
James Schlosser	Drop the mask mandate	Drop the mask mandate	9/25/20 9:50 pm CommentID:86594
Cheryl	NO MASK MANDATE	Absolutely NO mask mandate. This has gotten out of hand. The government has no business criminalizing this issue nor should they punish businesses. This madness needs to stop.	9/25/20 9:59 pm CommentID:86595
Nandan Kenkeremath, Leading Edge Policy And Strategy	Part I --The Governor Mandating These Standards Was Illegal--Bad Process	In Executive Order 63, Governor Northam ordered standards that apply to all employers with certain paramenters and through and emergency process that avoided notice and comment rulemaking, regulatory impact statements, and regulatory flexibility analysis for small business. The Governor had no authority to do this. The Safety and Health Codes Board has to follow the statutory standards and authority. None of those standards include orders from the Governor. The sweep of these standards, lack of workability, and the broad threats to employers across Virginia started with a mandate that the Board should not have considered. That mandate poisoned the process. The emergency temporary standard upon which this proposed permanent standard is based failed to meet the statutory tests that each component by necessary for each portion of the regulated community it applies to address a grave danger. At a time with Virginia is reopening, claiming that all employers, inside, outside, small, large, customer facing or not pose a grave danger is not correct. The Board has not considered and has displayed no intelligent conversation whether the full sweep and each component of the emergency temporary standard (ETS) and now the proposed permanent standard are necessary and that it is necessary to not provide a regulatory impact analysis and a regulatory flexibility analysis. The danger from those analyses is to DOLI and the Board because those analysis would allow for comment on the factual and needless burdens of the rule. Given that the Federal Occupational Safety and Health Administration has guidelines and certain rules, and that agency effectively argued against creating these kinds of regulations mean that the federal agency does not believe such regulations are useful, let alone necessary to address a grave danger, feasible, and supported by evidence about each requirement. The immediate effective date of the ETS indicates the failure of the Board to consider the feasibility of the ETS, and their lack of capacity to therefor understand the impacts of anything more permanent. Few employers are aware of the ETS and obviously cannot be in compliance. The Board and DOLI have failed to take the responsible steps to roll-out information about the requirements before simply applying them-- a step that made virtually every employer in non-compliance on day 1.	9/25/20 10:00 pm CommentID:86596
Allen Hill	Strongly oppose Masks	Besides the basic constitutional violations of any mask mandate, there are numerous studies (national and international) demonstrating that masks, including surgical masks do not provide protection against airborne viruses. * See CDC, OSHA, and other studies * *Emerging Infectious Diseases* *www.cdc.gov/eid*Va *Association of Physicians and surgeons. Reveals micron levels of viruses and numerous mask filtration levels. Additionally, the actual numbers of deaths for Covid solely, not those with multiple comorbidities is 9,000-10,000 not 200,000. This is the common cold, not a pandemic. Thank you providing this forum for response to the mask issue in Virginia.	9/25/20 10:02 pm CommentID:86597
Virginia taxpayer	Strongly oppose mandatory masks	No to masks	9/25/20 10:02 pm CommentID:86598
Christina	Strongly opposed to		9/25/20 10:10 pm

	mandatory mask wearing., its unhealthy and unsafe, does not scientifically stop	Science does not back up effectiveness of mask wearing, stop being politically opposed to the people!	CommentID:86599
Nandan Kenkeremath, Leading Edge Policy And Strategy	OPPOSE-- Part II--The Suspected Covid Provisions Are Unworkable And Harm Employees and Employers	The Board has stated that a person "suspected" of COVID is someone who has one of a long list of potential symptoms-- including a cough, a sneeze, a headache, fatigue. Such a symptom the poses a burden on someone-- it is unclear whether it is the employer, employee or doctor-- to show that the symptoms are not COVID by some standard. Proving a negative is not possible. Even people without symptoms cannot prove they do not have COVID at any point in time. This scheme where employees must leave a work site because of symptom like a cough would wreak havoc if it was taken seriously. Given that this rule has been in place for two months are there any examples of an employer taking this scheme seriously? We deprive people of work in all settings due to one of these symptoms. Nor is every work situation the same. Some sites are outside. Others may not face customers. For someone who is not shown to have COVID but simply has the symptoms a cold, this massive intrusion into the workplace is unwarranted and unfair. The return to work criteria are equally oppressive. The Board will force employees who need the work to lose it. Some of the employees may be temporary or contract and there may be no further opportunities for such employees. Everyone is not a government worker who is working remotely from home. Some people have other jobs. We have to care about their employment and their employer. A rule that does not work is not supported and of no help to anyone.	9/25/20 10:10 pm CommentID:86600
Heather West	Natural Rights > China Virus ☹No mask mandates!	**Dear Legislators and Bureaucrats,** **We never bought into this masking garbage and any attempt to permanently (?!) force it down the throats of Virginians will be met with fury, lawsuits and defiance. Wear a mask if you want to, but you will NOT get me or my family or my neighbors to cave on this issue. Masks are harmful to wearers and utterly useless against the spread of viruses. Why do you wish to institutionalize your stupidity? Not buying it one bit. Take your mask and go home. As for me and my house, we will NOT mask. You're all a bunch of bullies and thugs, by the way, with zero and I mean ZERO science backing up these bizarre ideas.**	9/25/20 10:11 pm CommentID:86601
Mari Duda	Don't make the law a joke	Don't make the law a joke--by forcing the public to wear a mask you are creating a situation to not take law enforcement seriously. Masks are for each of us to do our part, but if you want to make our individual health a concern, then also add in mandatory vitamin d and c which is proven to greatly lower cv19 effects. And while you are at it add in the correct amount of health foods per day. And mandatory sunshine! I'm already laughing.	9/25/20 10:12 pm CommentID:86602
Terry Forrester	Do Not make mask wearing in public mandatory	The masks that the stores provide you to wear say on the side of their box that they are not effective in preventing the transmission of virus. So what is the point of wearing them?	9/25/20 10:17 pm CommentID:86603
NEIL GARRISON	All Workers Deserve Better Conditions	Temporary protections for Virginia workers, particularly those in the poultry industry, due to Covid-19 should be made permanent. These workers ARE essential workers, and they deserve the respect and dignity we assign all other laborers in Virginia.	9/25/20 10:17 pm CommentID:86604
Tom H	STRONGLY OPPOSE	As a business owner I strongly oppose this permanent regulation. I think it is much to soon for anything permanent. We need to wait and see what is going to happen with COVID before we make anything permanent.	9/25/20 10:20 pm CommentID:86605
M. J. Whittaker	Face masks	NO MANDATORY FACE MASKS! Unhealthy and no absolute guarantee against contagious Covid19 virus!	9/25/20 10:24 pm CommentID:86606
Beth Brown	Strongly oppose mask mandate	I strongly oppose wearing masks and view it a violation of my rights to permanently mandate mask wearing.	9/25/20 10:24 pm CommentID:86607
KLB	Opposed	A permanent standard written for a specific virus, that is still poorly understood, is not warranted. Especially in an environment where policies seem to made on emotion and with political motives, rather than based purely on science. In the future it will likely not properly address a different virus while the one it is written for will no longer pose a threat. As such, the effort to establish such a standard is a misuse to public funds.	9/25/20 10:26 pm CommentID:86608
Rani	No Mask!	Enough with the mask nonsense!! Please are sick of it and no one believes mask helps. In fact wearing mask is actually does more harm then good. Look at our Governor who supposedly wore mask the entire time and his staff and he still got Covid!! Northam proved it himself mask doesn't work!!! Open our schools up and let's get on with our life!! We are adults we know how to take care of ourself!!	9/25/20 10:28 pm CommentID:86609
Rebecca Norris	Strongly oppose you stamping your feet all over We the People	Unconstitutional. Unscientific. I strongly oppose you trampling the Rights of We the People. HIPPA laws are already being violated! Crimes are rising, sounds like you are hoping to embolden more criminal activities by this, since doctors and science are making this mandate obsolete. God love you.	9/25/20 10:29 pm CommentID:86610
Betty Clarke	No mask mandate	No mask mandate in any public spaces. The wearing of mask should be left up to individuals choice. Well people should never be made to wear mask or be quarantined. Only if you are sick or compromised. Personal choice and personal responsibility should rule.	9/25/20 10:31 pm CommentID:86611
Cara Hoover	Permanent Standard is UNNECESSARY	My first question is - why are we making a *permanent* standard? Pandemics are not permanent. Historically, pandemics of a novel virus or virus strain, have remained at pandemic levels for an average of 18 months. This simple fact highlights that there is no need for permanent standards to be in place for the mitigation of SARS-CoV-2 spread in the workplace. I certainly think it is necessary to protect employees health and their job security during a pandemic. Making a standard such as this permanent is not scientifically or financially sound. As I read through the guidelines, keeping in mind this would be permanent, I find it absolutely absurd that the DOLI wants to force coworkers, people with whom we spend the most amount of time with secondary to our families, to not be able to eat lunch in fellowship (aka, NOT socially distanced) once the pandemic wanes. Social interaction, particularly in the workplace, reduces workplace stress, while increasing productivity, communication, and comradery. I also find it quite hypocritical that within this standard lies anti-discrimination wording for persons who wish to exercise their "rights" as laid out by the standard when persons who exercise their rights to NOT adhere to the Executive Order mandates (not law) or they fall into the medically exempt category are significantly discriminated against, in public and the workplace. Please reconsider the need for a permanent implementation of such measures. We will be though this soon enough.	9/25/20 10:31 pm CommentID:86612
Nandan Kenkeremath, Leading Edge Policy And Strategy	OPPOSE -- Part III--Including THe GOvernor's Illegal Orders Infringes On The Right Of Association	The Emergency Temporary Standard and this Proposed Rule both include compliance with the Governors Executive Orders (and the Orders of the Health Commissioners) as requirements under this standards. That means the Board illegally purported to expand the penalties associated with the illegal Orders. Those orders already carry criminal penalties of up to a year in jail-- for failing to wear a mask in an indoor building or for a boyfriend and girlfriend who do not reside together from walking together or sitting together at a religious wedding, at a farmers market, or an amusement park. That is because the Governor believes he can define who may be close and who cannot in settings he thinks he should regulate. This is an assault on freedom of association and there has never been a government definition like the one the Governor has come up with. Now the Safety and Health Codes Board wants to double down on this absurd concept. The Board apparently agrees that two people who do not live in the same house should not stand or sit together in certain settings. There is no rationale for the distinctions. At a religious services it must only be a family member but at a restaurant it is a party. In a farmers market it is a family member. In the mandatory guidelines from the Virginia Department of health people may not stand next to one another if they are not from the same household at performing arts, concert venues, movie theaters, drive in entertainment, sports venues, botanical gardens, zoos, fairs, carnivals, amusement parks, museums, aquariums, historic racing facilities, bowling alleys, skating rinks, arcades, amusement parks, farmers market and at religious service. I have my own sense of who I should or should not stand beside. I don't need a government definition telling me otherwise. Governor Northam claims he can define who may stand together and who may not. Same household is ok. Like a frat house. A couple who does not live together-- not ok. Seriously, none of this works and it is all an assault on fundamental rights. Employers or venue owners should not be asking whether people are from the same family or from the same household. And the government should not compel them to do so.	9/25/20 10:32 pm CommentID:86613
Anonymous	Masks don't work	Masks are useless and ineffective. Stop oppressing people.	9/25/20 10:33 pm CommentID:86614
Anonymous	Just stop.	This standard is unnecessary, capricious, and tyrannical. By implementing it, you will be further begging for noncompliance, resulting in arrests and violence by authorities against innocent people.	9/25/20 10:35 pm CommentID:86615
Karen Thorp	No to mask mandate	No to mask mandate	9/25/20 10:35 pm CommentID:86616
Anonymous	99% survival rate...this is a joke	prove this virus is cause for such a drastic measure. Then prove that masks are effective. At this rate you'll have us wear masks for regular flu seasons. What happened to washing hands as a preventative? How about encouraging people to get enough vitamin D and C? How about instead of handing out masks that people don't even know how to use effectively, that the manufacturer themselves state clearly on the box "this mask does not prevent against viruses...", you hand out incentives to get healthy! This is a gross overreach of your power and you are mistaken if you think the people of Virginia will stand for it.	9/25/20 10:40 pm CommentID:86617
Tina Qu	NO MASK MANDATE OR LAW	NO MASKS!!!! JUST STOP IT.	9/25/20 10:41 pm CommentID:86618
mel	This is bull. Unconstitutional. Northam is Hitler	violating my rights totalitarianism garbage	9/25/20 10:41 pm CommentID:86619
Karen	Heck no masks must go!	I adamantly disagree with the "permanent mask mandate" as I believe it is a direct infliction on our basic and fundamental rights of freedom to live and move freely and not be subject to any restrictions... as it relates to the Declaration of Human Rights.	9/25/20 10:42 pm CommentID:86620
Turner Deanna	Strongly oppose	Strongly oppose	9/25/20 10:46 pm CommentID:86621
Steven Hart, Ph.D, P.E.	Please do not do this to me and my dreams	I have a full time day job teaching Civil Engineering at Virginia Military Institute. Prior to that I served in the Army for 26 years. I also have a 150 acre farm I operate with my family. We have started a farmers market on the farm and hope one day to have a general store, a folk school, and multiple cottage industries. I am writing this to you at 10:30 pm after an 18 hour day. I always tell my students to read the assignment before writing, but I can't do that with this rule. It's FORTY SEVEN pages long. This type of rule is DEATH to small businesses. What hours of the day am I supposed to spend reading this thing, much less trying to comply? Furthermore, it is simply another directive from another unelected bureaucrat imposed on the citizens where our government is telling us "You must comply or else!" and from which we have no redress. My area of teaching and research expertise has been Critical Infrastructure Risk Management and Resilience for 13 years. In that field we have learned we should " make risk informed decisions.". Risk is a function of consequence, threat, and vulnerability. The rules we have applied in this situation have made almost no allowance for variations is consequence and vulnerability for populations, circumstances, and local conditions. They apply concepts like building occupancy, which is an architectural concept to ensure sufficient fire egress, in an arbitrary manner (where is the science behind 50%?) for purposes for which they are not designed or suitable. They consider only one dimension of a multi-dimension problem. For every bit of help they might provide, the provide harm in other areas.	9/25/20 10:47 pm CommentID:86622
Virginia Taxpayer	Opposed!	Opposed! No to mandated masks.	9/25/20 10:54 pm CommentID:86623
Sean V.	Opposed	In attempting to make a rule that works for all this proposed permanent rule introduces a great number of edge cases that will only be resolved with litigation. As a temporary measure, such recommendations are welcome. As a permanent regulation there is need for much more consideration and flexibility for change or we risk making the pandemic's effects worse.	9/25/20 10:55 pm CommentID:86624
Marie	NO to YOUR CONTROLLING MANDATES	• You are living in America. Where do you get off thinking you can control citizens? You know damn well this is about a power grab. Virginia will not support you or any of your savage ideas. NO TO A FREAKIN MASK MANDATE. Too funny.	9/25/20 10:59 pm CommentID:86625
Ruth Stoltzfus Jost	Work safety	Please keep protections for poultry workers. We may be facing a long period of vulnerability to COVID 19, but more important is the long term safety of these hard working folks on into the future. And wait, it's not just the employees we're protecting here. It's all of us! We know from Ebola, SARS, MERS, that viral spread of disease is part of life for humans. The higher costs imposed by extra safety measures are more than outweighed by savings from preventive health of the public. The costs will be passed on to be paid by all of us in purchasing our food -- fairest outcome and the only smart thing to do.	9/25/20 11:00 pm CommentID:86626

Immune compromised	NAY to Compulsory General Masking Permanently	Compulsory masking for those on Mars, the Moon, and surgery rooms is arguably reasonable. Masking in China and other areas polluted with smog is another arguably reasonable safeguard. But a jump to permanently veiling each human from a microbe-- how can the risk-benefit balance? So much has been lost already. Mandated masking has already increased concussions by inducing fainting spells, decreased human visibility and communication. (Masking is especially not recommended during exertion-- including exercize.) I would like to know how effective compulsion has been against the wars on drugs and corruption, as that is an arguably more important way to preserve health and wealth.	9/25/20 11:01 pm CommentID:86627
Anonymous	NO MASK	Absolutely NO mask mandate. I heard a doctor say that "wearing a mask is like trying to keep mosquitoes out of your yard with a chainlink fence. Also, I heard doctors say that masks are a hazard to your health. We were told by the National Dentists Association that masks are the cause of gum disease, cavities, and bad breath. It is also the cause of respiratory problems and allergies. Not to mention ---the government taking over you life by dictating to you how THEY want you to live ----they just want to control our lives because they think we are stupid. They Control with fear. GET RID OF THOSE MASKS!!!!! STAY OUT OF OUR LIVES!!!!!	9/25/20 11:08 pm CommentID:86629
Burt	No mask mandate	No mask mandate	9/25/20 11:12 pm CommentID:86630
RA	Absolutely NO to masks! Stop the farce now.	the whole thing is a lie and not based on medical science - only about controlling the people of VA. Take your form of government back to Communist China.	9/25/20 11:14 pm CommentID:86631
Anonymous VA resident	Opposed to mandatory masks and further mandates regarding coronavirus	Absolutely opposed to any other legislation or mandates regarding covid-19.	9/25/20 11:16 pm CommentID:86632
Anonymous	NO TO MANDATED MASKS!	What happened to “my body my choice??” This is matter of personal choice. The state of our health has never been a concern before so why is it now? We will not stand for decisions being made for us. We are not sheep and this is not the Black Plague. We will survive this. Those at risk can choose to stay home but do not take away the freedom of Americans.	9/25/20 11:24 pm CommentID:86633
Jessica Bauer	Strongly oppose all mandates regarding mask usage, etc.	Strongly oppose all mandates regarding mask usage. Www.modelhealthshow.com/maskfacts Please read the many studies that show masks do not work.	9/25/20 11:26 pm CommentID:86634
VA Tax payer	NO. MASKS DONT PREVENT COVID. YOU ARE A PRIME EXAMPLE OF THAT NOW.	We ALL KNOW you are fear mongering worthless man. We ALL KNOW masks don’t prevent the spread of covid. YOU ARE A PRIME EXAMPLE OF THAT NOW.	9/25/20 11:36 pm CommentID:86635
Mary Nowakowski	Masks unnecessary and unhealthy	Mandatory mask wearing is unnecessary. Not only is it unnecessary, but it can, and has been shown to cause other respiratory issues. Never before has the medical field had the patient "wear a mask for the safety of others", even with tuberculosis patients. It has been the practice for the medical professionals to wear masks if a patient has a known case, and in the case of TB patients, if signs and symptoms are present but test results have not come back. But for the last 6 months, the entire world has gone bats over this. Because of all of this, we now are having unusual numbers of cases of TB and other severe respiratory issues. In addition to the medical concerns, there is the use of masks to cover faces and remove the individuality of those masked. Thus, making it harder to identify with others, while removing culpability from those inciting riots and perpetuating crimes. Any time the government is willing to remove our rights for "safety" they are trying to incite fear and see how far we as Americans are willing to give up to stay "safe". I would rather die for my freedom, than live in slavery to any man. Signed by an American Medical Veteran	9/25/20 11:37 pm CommentID:86636
Anonymous	No to masks	No to mask mandates!	9/25/20 11:41 pm CommentID:86637
Anonymous	Genuine health concern or government control	many face masks are simply face coverings porous enough to let the Covid 19 virus through with ease. Even the well know N95 filter can allow some viruses through with openings up to 3 microns as the Covid 19 virus can be less than 3 microns. Masks should be only voluntary not government mandated as further intrusion on our personal freedom. It seems there are forces within government using this Covid-19 issue as an excuse to goin more control over our lives. Not cool!	9/25/20 11:45 pm CommentID:86638
Anonymous	Strongly Oppose Mandatory Masks in VA	Strongly Oppose Mandatory Masks in VA	9/25/20 11:46 pm CommentID:86639
Anonymous	Strongly Oppose Mandatory Masks in VA!!!	Strongly Oppose Mandatory Masks in VA!!!	9/25/20 11:46 pm CommentID:86640
TAMMY PICKUREL	No Mask, Open up.	Wearing a cloth mask is like trying to stop fly's with Chicken wire. We need to see peoples whole face. we are doing damage to our children with the masks.	9/25/20 11:47 pm CommentID:86641
Va tax payer	No mandated mask	No to mandated mask!	9/25/20 11:47 pm CommentID:86642
Anonymous	NO TO MANDATORY MASKS	NO TO MANDATORY MASKS!!!!!!!!!!!!!!	9/25/20 11:48 pm CommentID:86643
VA TAX PAYER	NO MANDATORY MASKS!!!!!!!!	NO MANDATORY MASKS!!!!!!!!	9/25/20 11:49 pm CommentID:86644
Boss	Will not tolerate mandatory masks	will not tolerate mandatory masks	9/25/20 11:55 pm CommentID:86645
Nandan Kenkeremath, Leading Edge Policy And Strategy	OPPOSE ---Part IV-- Unworkable and No Record The Emergency Temporary Standards Work Now	On paper the emergency temporary standard and proposed permanent standard are unfair and unworkable on so many levels. One factor in the law authorizing the Safety and Health Codes Board to act is the feasibility of the standards and experience gained under this and other health and safety laws. We know that the Federal Occupational Safety and Health Board replied to Richard Trumka stating that the Federal guidelines should not be turned into regulations. The Board obviously did not follow that recommendation. So now we have two months of experience under the emergency temporary standard (ETS). It is imperative that DOLI and the Board assess-- how has that worked out. The Board was in so much of a rush that there could be only 10-days of comment, no response to comment document, no regulatory impact analysis, and no regulatory flexibility analysis for small business. Well now that the Board ignored all the things a responsible regulatory group would do-- what is the record on the program. First, can DOLI and the Board run a survey on whether are even aware of the ETS. Which workers have been sent home to not work due having a suspected covid symptom. Do we have ANY case studies or surveys. What reporting has occurred. Who has installed a barrier? How many have been found to fall under the suspected COVID category. What tests have been reported by the testing system in the rule. Where is the evaluation of this real program before seeking comments on a permanent rule. We need another comment period, with a regulatory flexibility analysis, a regulatory impact analysis and actual data about this poorly formed program.	9/25/20 11:58 pm CommentID:86646
Valerie Cudnik	Masks forever? Not on your life	Surely any proposal to have the general public wear masks long term must be a bad joke. That or the school where you got your medical degree needs to have its credentials revoked. There is ABSOLUTELY NO SCIENTIFIC RESEARCH to support such an idiotic idea.	9/25/20 11:58 pm CommentID:86647
Anonymous	NO to MANDATORY MASKS	I do not agree with mandatory masks at all!	9/25/20 11:58 pm CommentID:86648
EcoScan	No mandatory masks	No mandatory masks	9/25/20 11:59 pm CommentID:86649
Anonymous	How is this even being considered? NO NO NO	Following the poor example of those such as our governor, this is yet another publicity stunt. Yet another pandering measure by those in government. Why make a calculated decision based on confirmed, measurable data? No, lets just try to be the first to be able to say we did something even if that something has no evidence to support that that it in itself is not harmful. Our government is going to destroy our economy and strip so many families of what they have spent generations building just so they can say for now that they were doing the "most good" as they saw it in the moment. They might protect the health of some if this passes but they will certainly destroy countless lives. What do you thinks they will have to say to console you or your loved ones when you and them are out of business or out of a job because of these types of dictations to small businesses? There is not one person in our local state or federal government who is in any position to tell me that they know better than me how to safely operate my business. Look at the Northams now. I would hardly call him a subject matter expert.	9/26/20 10:02 am CommentID:86655