

January 5, 2021



**Submitted Electronically**

Ms. Princy Doss  
Director of Policy, Planning and Public Information  
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Mr. Jay Withrow, Director  
Division of Legal Support, VPP, ORA, OPPPI, and OWP  
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RE: Comments of the Virginia Farm Bureau Federation Regarding Adoption of Revised Proposed Permanent Standard for COVID for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220

Dear Ms. Doss and Mr. Withrow:

The Virginia Farm Bureau Federation (VFBF) appreciates the opportunity to provide additional comments on the proposed Permanent Standard for COVID for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220.

As we enter 2021, the health and safety of our 35,000 farm family members continues to be our top priority during the ongoing pandemic. We understand and appreciate your intent to establish clear and consistent workplace health protection protocols, however, we remain concerned about the impact many of the provisions of the proposed permanent standard have on the agriculture industry, and farm families, and encourage you to consider revisions and maintain a temporary, rather than permanent, standard.

On at least two previous occasions, VFBF previously urged the Virginia Department of Labor and Industry (DOLI) to not make permanent the Emergency Temporary Standard (ETS). We laid out our reasons for opposing the ETS in detailed comments, and proposed revisions that would make the ETS more workable and effective. We noted that the continuously updated guidance issued by the Occupational Safety and Health Administration (OSHA) and the Centers for Disease Control and Prevention (CDC) are the most appropriate mechanism to guide prevention measures, and were exceedingly effective in controlling outbreaks and ensuring safety in the agriculture industry when implemented in mid-2020.

Virginia's farmers and agriculture industry have worked together, and have worked with national affiliates to develop best practices, and follow OSHA and CDC guidance to address the COVID-19 pandemic head on and in a manner that protects our farm families, employees, and consumers of our products. Indeed, while the agriculture industry continues to have success in controlling the virus on our operations, we have seen no similar correlation between decreased positivity or control of spread in the general population as a result of the ETS.

Further, this proposed permanent standard has already shown its lack of flexibility and permanence is its greatest weakness. The new edit of the proposed permanent standard was circulated less than 24 hours before the January 5, 2021 public hearing. As of this writing, a new strain of the COVID-19 virus is present in five states, and may impact national standards related to contagion. Multiple vaccines are available with several more in the pipeline, and some states may move to Phase 1b allowing for more citizens to access immunity. How will a permanent standard work to nimbly address this ever-changing landscape?

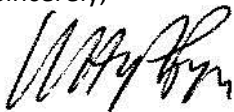
We have concerns with language that would expand the scope to cover other infectious diseases. The standard, as drafted, contains specific mitigation practices and protocol to the novel coronavirus, as it exists today. Many of those mitigation practices would not prevent the spread of other infectious diseases, let alone the ever-evolving pandemic we are currently grappling with. This is a product of the hasty, and unscientific manner in which the Emergency Temporary Standard was adopted, and reflects the lack of adequate time for public, and professional, input. We owe it to the Commonwealth to have the appropriate tools for future pandemics, rather than using a one-size-fits-all approach.

To-date we have not received any fiscal impact study showing how this proposed permanent standard will impact businesses, and the Commonwealth in general. We need to know what the impact will be on essential industries, like agriculture and food production. How can we possibly make decisions that could impact the food supply chain, food availability, and affordability without the data to first weight the risks and benefits?

VFBF appreciates the opportunity to file these comments. It is our hope that the board will consider our suggestions, and oppose extending these standards on a permanent basis. We place a great deal of trust in the regulations and standards that govern our home state, and trust the Board will prevent an environment of overenforcement and not penalize farm operations that have given a good faith effort in following these ever-changing and complicated rules.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wayne Pryor', written in a cursive style.

Wayne Pryor  
President & CEO  
Virginia Farm Bureau