



Virginia Beer Wholesalers Association

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September 15, 2020

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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: Comment on 16 VAC 25-220, Permanent Standard for Infectious Disease
Prevention: SARS-CoV-2 Virus That Causes COVID-19

Dear Mr. Withrow:

On behalf of the Virginia Beer Wholesalers Association (VBWA), I provide the following comment on 16 VAC 25-220, the permanent standard for COVID-19 prevention and mitigation in the workplace. Since the beginning of the public health emergency period in March, Virginia beer distributors have adopted extensive safety measures to prevent the spread of the SARS-CoV-2 virus and ensure the safe delivery of beer. After the Emergency Temporary Standard became effective in July, beer distributors have continued to enhance those measures and work hard to ensure compliance with the standard. We appreciate the diligence put in by the Safety and Health Codes Board thus far, but we have concerns with the draft permanent standard and the potential burden it could put on businesses beyond the emergency period. As such, we respectfully request that the Board clarify the applicability of the permanent standard so that it is only in effect during a declared public health emergency related to COVID-19.

The permanent standard, as currently written, will apply to businesses indefinitely, including at such a foreseeable time at which COVID-19 is no longer an emergent public health threat. That means 5 years from now when most people have been immunized and effective treatments have been developed, businesses will still be required to comply with the strict requirements in this standard.

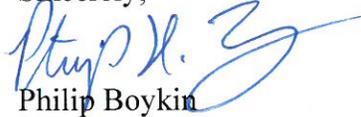
Public health experts largely agree that the SARS-CoV-2 virus will never fully disappear. However, like the seasonal flu and other viruses, more effective treatments and vaccines will eventually become common so as to remove the emergent and critical nature of the public health threat. Accordingly, it is foreseeable that current prevention measures like face coverings, crowd limitations, and social distancing will no longer be necessary at such a time.

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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, there should be effectuation language 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, once the emergency period is over, businesses can operate without the burden of complying with regulations that are no longer necessary to protect public health. 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 this effectuation provision be included in the permanent standard to provide clarity and certainty for businesses in the Commonwealth.

Sincerely,



Philip Boykin
President & CEO

cc: W. Scott Johnson, Esq., Hancock, Daniel & Johnson
Benjamin H. Traynham, Esq., Hancock, Daniel & Johnson