



COMMONWEALTH of VIRGINIA
DEPARTMENT OF LABOR AND INDUSTRY

C. Ray Davenport
COMMISSIONER

Main Street Centre
600 East Main Street, Suite 207
Richmond, Virginia 23219
PHONE (804) 371-2327
FAX (804) 371-6524

July 1, 2021

SUBJECT: Summary of Governor Northam's Review of the Proposed Amendments to the Final Permanent Standard for Infectious Disease Prevention of the SARS-CoV-2 That Causes COVID-19, §16 VAC 25-220, Adopted by the Virginia Safety and Health Codes Board (Board) on June 29, 2021

NOTICE: This notice is to confirm that Commissioner C. Ray Davenport has been informed that Governor Ralph S. Northam has completed his review of the proposed amendments to 16VAC25-220 adopted by the Board on June 29, 2021, and requests the following substitute language for 16VAC25-220-10.E be reconsidered by the Board when it reconvenes to consider final adoption of the proposed amendments to the Final Permanent Standard.

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

Other than the above change, the Governor has no further comments on the remaining proposed amendments adopted by the Board and requests that the Department proceed with posting the proposed amendments for public comment as soon as possible.