

December 1, 2021

Delivered via electronic mail: jeffg@youngkinforgovernor.com

The Honorable Governor-elect Glenn Youngkin
Jeff Goetmann, Campaign COO, Transition Team

**Re: Regulatory Burden of Department of Labor and Industry
Full Permanent Standard for COVID-19**

Dear Governor-elect Youngkin:

The undersigned associations and companies congratulate you upon being elected the 74th Governor of the Commonwealth of Virginia. We appreciate your pledge that Virginia will be “open for business” on day one of your administration. With that in mind, we respectfully request you take executive action to order that the Department of Labor and Industry (DOLI) **stop enforcing** and the Safety and Health Codes Board **repeal** 16VAC25-220, the Full Permanent Standard for Infectious Disease Prevention of the SARS-CoV-2 Virus that Causes COVID-19 (FPS) as soon as possible.

During the pandemic, we have been leading the way in our respective industries, keeping employees safe and healthy while ensuring the economy and supply chain remains strong. The COVID-19 pandemic has elevated how we navigate risk in the workplace and brought a myriad of unforeseen difficulties on the way our businesses operate. Between implementing remote working policies, staggering shifts, physically altering workspaces, and ensuring an overall clean and safe environment, we have had to overhaul operations and rethink the way we conduct business.

In addition, we have had to comply with a changing federal landscape, including temporary federal laws and emergency federal regulations. On top of everything, we have experienced labor shortages and workforce hesitancy unlike any other period in recent history.

Unfortunately, the regulatory burden created by the DOLI FPS added to the strain and difficulties facing businesses in the Commonwealth. Rather than focus on flexibility and implementing the measures that best suit our individual workplaces, we were forced to comply with a one-size fits all policy that included written Infectious Disease Preparedness and Response Plans, documented hazard assessments in which we had to classify each employee according to risk, and other measures that drained human capital and resources away from conducting our day-to-day operations.

Furthermore, the regulation changed three times in a 15-month period, going from temporary to permanent and then to an amended permanent standard. Each time, our businesses were required to train employees anew on the standard. Throughout that period, guidance from the Centers for Disease Control and Prevention (CDC) continued to change, and executive orders from the office of the Governor continued to alter the landscape of our operations as well. Keeping up with these changes while maintaining documented compliance with the FPS has been an extraordinary burden on businesses who were already facing the unrelenting effects of the pandemic.

Accordingly, we respectfully request you take immediate action upon taking office to repeal the DOLI FPS. Thank you in advance for your consideration of this request, and we look forward to working with you and your administration.

Sincerely,

Medical Society of Virginia
Virginia Automobile Dealers Association
Virginia Bankers Association
Virginia Beer Wholesalers Association
Virginia Dental Association
Virginia Food Industry Association
Virginia Wine Wholesalers Association

cc: The Honorable Todd Gilbert

