



## Virginia Health and Safety Codes Board Adopt Changes to the COVID-19 Permanent Standard

Last week the Virginia Health and Safety Codes Board voted to adopt changes to the COVID-19 Permanent Standard.

Virginia Retail Federation, along with the Virginia Business Coalition, strongly advocated that the board repeal the Permanent Standard and remove the static regulatory burden in Virginia; and secondly, if the board chose to keep the standard in place, to adopt Governor Northam's recommendation to provide employers with safeguards should they comply with the most recent CDC guidance. **The board voted by a vote of 10-4 to adopt our second recommendation.**

Specifically they amended Section 16Vac25-220-10.E to say:

*To the extent that an employer actually complies with a recommendation contained in CDC guidelines, whether mandatory or nonmandatory, 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.*

**The Board also approved, by a vote of 11-3, the Department of Labor and Industry's recommendation to allow businesses over 11 employees, who must prepare a "Infectious disease preparedness and response plan," to**

exclude counting employees who are vaccinated when determining their employee count.

These changes are now before the Governor for review, and after that step they will be sent to the *Richmond Times-Dispatch* for publication. Publication in the *RTD* is considered public notice, and therefore officially activates changes adopted by the Board.

Although we do not have a specific date of when this will occur, **we anticipate that the changes will be effective by mid to late September.** VRF will keep members informed as to when the changes officially go into effect.

You may view the meeting where the board reviewed all proposed and adopted changes to the standard by clicking [here](#).

## VRF LOBBYISTS



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Virginia Retail Federation (VRF) proactively represents and supports the legislative interests of Virginia retailers on the local, State, and Federal levels in partnership with Retail Merchants

