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VIA EMAIL: princy.doss@doli.virginia.gov

Dear Director Doss,

On behalf of the dedicated public service workers, including many of those in healthcare, who are members of SEIU Virginia 512, we commend the DOLI staff and Safety and Health Codes Board for developing and approving emergency temporary standards in a timely manner. We write in support of the Proposed Permanent Standard for Infectious Disease Prevention for COVID-19, which would make these essential standards a permanent protection for workers in Virginia. A permanent standard is necessary to protect working families throughout our commonwealth because COVID-19 is likely to remain a pressing reality for years to come. A strong permanent standard is further needed to help prepare workers and employers to weather future novel viruses likely to emerge.

The Proposed Permanent Standard for Infectious Disease Prevention for COVID-19 would maintain important protections for working people and communities in Virginia and provide continuity with the emergency temporary standards¹, thereby reducing the challenges employers and employees would face from changing regulations that are rarely based on science, but instead political whim. Clear standards coming from one agency of authority simplifies things for employers and workers, which will make the standard easier to implement and reduce confusion.

COVID-19 is spread through droplets and airborne particles and is easily transmissible. An airborne hazard like this virus makes strong protections essential to a safe workplace, and by extension, safe homes and communities. This standard is strong and based on scientific

¹ Box\~Labor Wage\Minimum wage and labor laws\[Compare Report]
Proposed-Permanent-Standard-for-Infectious-Disease-Prevention-for-COVID-19-7.24.2020.pdf

information and long-standing occupational health and safety practices. The standard is programmatic, so each employer is required to implement a program tailored to their workplace using scientific-based and longstanding workplace control practices. This allows workers across the state in a variety of industries and settings to gain protections and employers to implement procedures tailored to that workplace.

We strongly support the provisions in the standard that require employers to provide greater transparency and communication when someone in the workplace has been infected with COVID-19, while still complying with the Americans with Disabilities Act and other applicable Virginia laws and regulations.²

We have two recommendations to strengthen the standards. While we applaud DOLI and the Board for prioritizing physical distancing, which is one of the best ways to prevent person-to-person spread, we do urge the board to consider the airborne nature of this virus and dispense with the current 6 foot rule as an effective control for airborne exposure.³ Ventilation, efforts to control and reduce persons and time in spaces and enclosed areas, and other engineering and administration controls must be combined with distancing to effectively mitigate airborne transmission of the virus. Please consider more revising this provision.

Finally, we urge you to clarify that under medical removal for known infections, exposures, or when recommended by a medical or public health professional, workers are afforded removal protections including maintaining the employee's base earnings, seniority, and other rights and benefits that existed at the time of removal until cleared for return to work.

Thank you for considering these comments on behalf of the hard-working members of SEIU Virginia 512. The ETS is a strong, comprehensive standard that sets clear requirements based on longstanding practices and current science, and should be made permanent while implementing the changes we outlined above regarding the 6 foot standard for physical distancing, and medical removal of workers. We urge you to do what is right to protect Virginia's workers and adopt the proposed Permanent Standard.

In Solidarity,

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² <https://www.doli.virginia.gov/wp-content/uploads/2020/06/COVID-19-ETS-Emg-Reg-Infectious-Disease-Prevention.pdf> pg 18

³ Lidia Morawska, Donald K Milton, It Is Time to Address Airborne Transmission of Coronavirus Disease 2019 (COVID-19), *Clinical Infectious Diseases*, , ciaa939, <https://doi.org/10.1093/cid/ciaa939>, www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html - "Wearing a cloth face covering, however, does not replace the need to practice social distancing."