

Richmond, June 28th 2021

Dear Mr. Withrow and the Safety and Health Codes Board,

On behalf of our low-income Virginian clients, the Legal Aid Justice Center (LAJC) submits these comments in response to the Virginia Department of Labor and Industry/Safety and Health Codes Board related to the Final Permanent Standards (FPS), for Infectious Disease Prevention of the SARS-CoV-2 Virus that causes COVID-19, 16VAC25-22.

LAJC is a statewide organization that provides free legal representation to low-income people throughout the Commonwealth of Virginia. Through a combination of direct representation, organizing, education, and advocacy, we aim to address the root causes of injustice and poverty that our clients face. Among other things, LAJC provides representation to individuals in their efforts to maintain safe and healthy workplaces where their dignity is recognized and upheld.

Virginia was the first in the nation to adopt these standards, and they helped to create similar regulations around the US, and even across the globe. These standards have helped to protect workers and keep Virginia safe and productive. As we enter into a new phase, we need to have thoughtful consideration of the way we are going back to a new normal that keeps us safe.

COVID-19 has already killed more than 600,000 Americans, but Virginia's standards have helped keep Virginians safe. We need to ask ourselves, what is the economic impact of a sick worker or the death of a family member who contracted COVID-19 in the workplace? It's priceless; the value of a worker's life must always come first.

The pandemic still ongoing, and things have not yet stabilized. For instance, the season for farmworkers in Virginia is about to begin with hundreds of workers coming from abroad every week. These workers may be coming from areas where vaccinations are not as widely available as Virginia and areas where the new, and more deadly, variants of COVID-19 are present. Additionally, many children are not yet eligible for vaccination and may be at risk of contracting COVID-19 from their parents. What is more, we do not yet know much about the new variants, included the Delta variant, and the impact they will have. Finally, many immunocompromised persons are not as protected by the vaccine.

This standard has been in effect for almost year with business not suffering negative impacts. It is better to be safe than sorry, especially when the lives of thousands of essential workers and their families are at risk. Again, we at Legal Aid Justice Center ask you to extend the Final Permanent Standards for Prevention of COVID-19.

Thank you for the opportunity to submit comments.

Manuel Gago
Senior Community Organizer
Virginia Justice Project for Farm and Immigrant Workers