



Virginia Beer Wholesalers Association

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Chairwoman Milagro Rodriguez
Virginia Safety and Health Codes Board
Virginia Department of Labor and Industry
600 E. Main Street, Suite 207
Richmond, VA 23219

RE: Comment on Proposed Amendments to 16 VAC 25-220, Final Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19

Dear Chairwoman Rodriguez:

On behalf of the Virginia Beer Wholesalers Association (VBWA), I provide the following comment on proposed amendments to the Final Permanent Standard (FPS) and respectfully request a full repeal of the FPS. If the Board is unable to support a full repeal of the FPS, the Board should, at a minimum, adopt Governor Northam's substitute language for 16VAC25-220-10(E) to allow more flexibility for compliance with the FPS.

Since the beginning of the pandemic, VBWA members and their employees have gone above and beyond the call to ensure safe distribution of beer to the Commonwealth's restaurants, grocery stores, and convenience stores. VBWA members have worked extremely hard to monitor and comply with the myriad of guidance, rules, regulations, and executive orders since the beginning of the pandemic. Beer distributors also have a significant business incentive to continue safe practices as our employees and customers rely on us.

The majority of our employees are now vaccinated against COVID-19. VBWA Members and their employees continue to stay apprised of and follow CDC guidelines. Fortunately, and as a result, instances of workplace spread amongst our member companies are virtually non-existent. As such, the FPS is not necessary to protect the health and safety of our workforce and serves as an unnecessary burden of compliance for our members.

Secondly, in an appreciated attempt to be flexible, the FPS deems an employer compliant with the standard provided it actually complies with CDC guidelines.

However, the qualification that the CDC guidance must provide equivalent or greater protection than the FPS essentially eliminates any flexibility this provision was designed to provide. Furthermore, it begs the question of who determines the level of protection in CDC guidance versus the level of protection provided by the FPS.

Although DOLI continues to update its Frequently Asked Questions in accordance with CDC guidelines, the black letter of the regulation requiring that the CDC guidance provide at least equivalent protection remains the same. As soon as CDC guidance changes to provide less protection than the FPS, Virginia businesses are stuck complying with overly strict and unnecessary restrictions.

Accordingly, the VBWA respectfully requests that the Board repeal the FPS. The FPS is inflexible and unable to account for the changing dynamic of the virus and the CDC recommendations that follow. In the alternative, the Board should adopt Governor Northam's proposed amendment that an employer's actual compliance with applicable CDC guidelines shall be considered compliance with the FPS.

Thank you for your consideration, and should you have any questions or if the VBWA may be of further assistance, please do not hesitate to contact me.

Sincerely,



Philip Boykin

President & CEO, Virginia Beer Wholesalers Association

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