

**FINAL
SAFETY AND HEALTH CODES BOARD
PUBLIC HEARING MEETING MINUTES
Wednesday September 30, 2020**

This public hearing was held for the purpose of consideration of 16VAC25-220, Proposed Permanent Standard: Infectious Disease Prevention: SARS-CoV2 Virus That Causes COVID-19 by the Virginia Safety and Health Codes Board pursuant to Va. Code §40.1-22(6a).

The Safety and Health Codes Board (“Board”) held an electronic meeting pursuant to the budget language as amended by Chapter 1289 of the 2020 Acts of Assembly that states:

Notwithstanding any other provision of law, any public body, including any state, local, regional, or regulatory body, or a governing board as defined in § 54.1-2345 of the Code of Virginia may meet by electronic communication means without a quorum of the public body or any member of the governing board physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, provided that (i) the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location; (ii) the purpose of meeting is to discuss or transact the business statutorily required or necessary to continue operations of the public body or common interest community association as defined in § 54.1-2345 of the Code of Virginia and the discharge of its lawful purposes, duties, and responsibilities; (iii) a public body shall make available a recording or transcript of the meeting on its website in accordance with the timeframes established in §§ 2.2-3707 and 2.2-3707.1 of the Code of Virginia; and (iv) the governing board shall distribute minutes of a meeting held pursuant to this subdivision to common interest community association members by the same method used to provide notice of the meeting.

Given the nature of the emergency, that COVID-19 spreads easily from person to person, the Board held an electronic emergency meeting utilizing **WebEx**.

Notice of the public hearing was provided to the public as required by VA Code §2.2-3708.2 and Executive Order 14 (2018). The notice invited the public to witness the meeting remotely via WebEx. Notice of this public hearing was published in the Richmond Times Dispatch on September 25, 2020. Notice of this hearing was also published on the Virginia Regulatory Townhall’s website here: <https://townhall.virginia.gov/L/ViewMeeting.cfm?MeetingID=31418>.

The Board members and Department staff listed below as “participating” were all participating via WebEx. There was no quorum of Board members *physically* assembled at one location. There was a quorum of Board members participating on WebEx for purposes of the public hearing.

A recording of the public hearing in its entirety is available here: <https://www.doli.virginia.gov/wp-content/uploads/2020/10/SHCB-Public-Hearing-on-Permanent-Standard-9.30.2020.mp4>

BOARD MEMBERS

PARTICIPATING:

Mr. Charles Stiff, Interim Chair
Mr. Louis J. Cernak, Jr.
Mr. Patrick Bolling
Mr. John Fulton
Ms. Tina Hoover
Ms. Anna Jolly
Mr. Michael Luce
Mr. Courtney Malveaux
Mr. Travis Parsons
Mr. Kenneth Richardson, II
Ms. Milagro Rodriguez
Mr. Thomas Thurston
Mr. Phil Glaize

BOARD MEMBERS ABSENT:

Mr. Jerome Brooks

STAFF PARTICIPATING:

Mr. C. Ray Davenport, Commissioner of Dept. of Labor & Industry
Mr. William P. Burge, Assistant Commissioner
Mr. Jay Withrow, Director, Legal Support, BLS, VPP, ORA, and OWB
Ms. Princy R. Doss, Director, Policy, Planning, & Public Information
Mr. Ron Graham, Director, VOSH Health Compliance
Ms. Marta Fernandes, VOSH Safety Compliance
Ms. Jennifer Rose, Director
Ms. Christine Childress
Mr. Richard White
Ms. Diane Duell, Director, Legal Support
Ms. Holly Trice, Senior Staff Attorney
Ms. Cristin Bernhardt, Staff Attorney
Mr. Alex West, Staff Attorney

OTHERS PARTICIPATING:

Mr. Joshua Laws, Assistant Attorney General
Ms. Lisa Wright, Court Reporter, Chandler & Halasz, Stenographic Court Reporters

CALL TO ORDER

Chair Chuck Stiff called the Public meeting to order at 9:15am. A quorum was present. Chair Stiff made opening remarks informing the public that this virtual public hearing was being held for the purpose of consideration of 16VAC25-220, Proposed Permanent Standard: Infectious Disease Prevention: SARS-CoV2 Virus That Causes COVID-19 by the Virginia Safety and Health Codes Board pursuant to Va. Code §40.1-22(6a).

OPPORTUNITY FOR PUBLIC COMMENT ON THE PROPOSED PERMANENT STANDARD.

After Mr. Stiff made his opening remarks, the opportunity of public comment on the proposed permanent standard began. This public hearing only included discussion on the proposed public standard. No votes were taken; there were no deliberations, and no decisions were made.

Members of the public had been given the opportunity to sign up to offer their comments on the proposed permanent standard ahead of the public hearing.

The following members of the public made appearances to present public comment on the proposed permanent standard:

1. Brett Vassey, Virginia Manufacturers Association
2. Hobey Bauhan, Virginia Poultry Federation
3. Marcia Tetterton, Virginia Association for Home Care and Hospice
4. Kim Bobo, Virginia Interfaith Center for Public Policy
5. Nicole Riley, National Federation of Independent Business
6. Kyle Shreve, Virginia Agribusiness Council
7. Jeff Perkins, Boxley Materials Company and Virginia Transportation
8. David Broder, SEIU Virginia 512
9. Jodi Roth, Virginia Retail Federation
10. Brandon Robinson, Associated General Contractors of Virginia (AGCVA)
11. Nandan Kenkeremath, Leading Edge Policy & Strategy, LLC
12. Terrance Durkin, Roanoke Regional Chamber of Commerce
13. Donald Baylor, National Coalition of Public Safety Officers
14. Vance Young, ATU Local 1764
15. P. Dale Bennett, Virginia Trucking Association
16. Joe Lerch, Virginia Association of Counties
17. Charlotte Brody, BlueGreen Alliance
18. Clayton Medford, Northern Virginia Chamber of Commerce
19. Doris Crouse-Mays, Virginia AFL-CIO
20. Karen McElfish, M.D. Virginia Conference United Methodist Women
21. Laura Karr, Amalgamated Transit Union
22. Jennifer M. Walle, Troutman-Sanders
23. Felicia Miller, United Food and Commercial Local 400
24. Emily Reynolds, Hampton Roads Chamber of Commerce
25. Jason Yarashes, Legal Aid Justice Center/VA Justice Project for Farm and Immigrant Workers
26. Mike Wilson, United Food and commercial Workers Local 400
27. Rebecca Reindel, AFL-CIO
28. M.K. Fletcher, AFL-CIO

ADJOURNMENT

After all the commenters had offered their comments, Mr. Stiff reiterated that the Board would be scheduling a Board meeting to consider the proposed permanent standard further. At that time, the public would have another opportunity to offer their input.

Mr. Stiff thanked the Board members, all participants and the Agency for helping. The hearing adjourned at 11:55am.