

DRAFT
SAFETY AND HEALTH CODES BOARD
PUBLIC MEETING MINUTES
Tuesday, July 28, 2026

On Tuesday, July 28, 2026, the Safety and Health Codes Board (“Board”) held an electronic public meeting to discuss the Notice of Intended Regulatory Action for Heat Illness Prevention Standard. .

Notice of the public meeting was provided to the public as required by VA Code §2.2-3708.2. Notice was provided on the Virginia Regulatory Town Hall’s website here: [Safety & Health Codes Board Meeting Notice for July 28, 2026](#)

BOARD MEMBERS PARTICIPATING:

Jay Abbott
Kevin Battle
Kelly Bundy, Chair
Joel Canady (DEQ)
Lance Gregory (VDH)
Larry James, Vice Chair
Audrey Janosik
Rena Parker
W Allan Rees
Jeffrey Rowe
James “Lou” Spencer

BOARD MEMBERS ABSENT:

Lee Biedrycki
Michael Everett
Robert Smith

STAFF INVOLVED: Jim Frederick, Commissioner

Chuck Stiff, Deputy Commissioner
Zahra Qarni, Director of Policy & Planning
Cristin Bernhardt, Regulatory Coordinator
Ron Graham, Director of Health Compliance
Shawnai Smith, Policy Analyst

OTHERS PARTICIPATING:

Joshua Laws, Assistant Attorney General

CALL TO ORDER

Chair Kelly Bundy called the meeting to order at 10:30 AM. She took roll of board members present at the meeting. A quorum was present.

BOARD MEMBER ROLE CALL

	Present	Absent		
Jay Abbott	x			
Kevin Battle	x			
Lee Biedrycki		x		
Kelly Bundy	x			
Joel Canady – DEQ	x			
Michael Everett		x		
Lance Gregory - VDH	x			
Larry James	x			
Audrey Janosik	x			
Rena Parker	x			
W. Allan Rees	x			
Jeffrey Rowe	x			
Robert Smith		x		
James Spencer	x			
TOTAL	11	3		

APPROVAL OF AGENDA

Chair Bundy asked the Board if there was any discussion on the agenda. There was none. There was a motion to approve the agenda. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

Approval of Agenda	Yes	No	Abstain	Absent
Jay Abbott	x			
Kevin Battle	x			
Lee Biedrycki				x
Kelly Bundy	x			
Joel Canady – DEQ	x			
Michael Everett				x
Lance Gregory – VDH	x			
Larry James	x			
Audrey Janosik	x			
Rena Parker	x			
W. Allan Rees	x			
Jeffrey Rowe	x			
Robert Smith				x
James Spencer	x			
TOTAL	11			3

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Chair Bundy called the next item on the agenda, which was the opportunity for the public to address the Board. The five speakers who were registered were called onto the screen one at a time to provide their testimony to the board,

Commenter 1: *I'm Charlotte Brodie, a registered nurse and the vice president for Environmental and Occupational Health for the Bluegreen Alliance, a National Coalition of major labor unions and environmental organizations. I'm also a Virginian living above the James River in Esmont, VA.*

I just want to use my time to thank you for being on the board and for your upcoming role in protecting Virginia's workers from the dangers of extreme heat. As we've all experienced, summers across Virginia can now start in April and hot weather is getting even hotter. A good rule can ensure that workers get what they need to keep heat exposure from being dangerous or even deadly.

The 2021 rule provides DOLI with a terrific head start, and while the deadline is 21 months away, we're hopeful that that existing draft can be improved and brought to you even sooner.

I look forward to that meeting of the board and to a set of regulations that will level the playing field and provide every Virginia worker with the commonsense protections of water, shade and rest when it's dangerously hot. Thank you.

Commenter 2: *My name is **Manuel Gago**, and I am the Co-Director of the Worker Justice Program at the Legal Aid Justice Center. My team is one of the few across the Commonwealth providing direct outreach to workers on how to stay safe during extreme heatwaves, and we have witnessed firsthand the real danger of working without basic, common-sense protections: Water, shade and rest.*

We are glad to see this process is moving forward.

Our priority, and we hope the one for this board, must be to ensure that everyone is protected. We cannot leave vulnerable workers behind. Regardless of immigration status, visa type, or industry, no one should have to risk their life just to earn a paycheck.

This action comes at a critical moment. Not only are we facing increasingly hotter days and weeks, but we are also seeing federal efforts to weaken worker protections.

Many in this room made history in 2020 with Virginia's groundbreaking COVID-19 workplace standards. Now, six years later, it is time to make history once again and ensure every worker returns home safely to their loved ones. Thank you.

Commenter 3: *My name is **Kayla Mock**. I'm here on behalf of the United Food and Commercial Workers Union Local 400. We represent workers all over Virginia in a variety of different industries.*

We have grocery workers, meatpacking and processing workers, warehouse workers, healthcare workers and cannabis workers, so we're a bit all over the place, but we're really, really excited about this opportunity in Virginia to protect workers from heat. Particularly indoor workers. You know, a lot of folks don't think about indoor workers as needing heat protection, but you know, in these warehouses where there's not sufficient air and HVAC systems or where it goes out. It really is an issue that our members face and so they are very excited to get this moving. It's a big deal for them.

Things are just getting hotter and hotter, as we've seen, and we want to make sure that our workers are protected across Virginia and so we believe we've got a good foundation. To get this going, I know a previous comment was made about the old rules that we had. We're excited to build on those as well. And that is all.

Commenter 4: My name is **Margaret Loesch**.

I am also a member of the UFCW and I am a Kroger employee in Virginia Beach as a receiver. I worked in a backroom for Kroger in Virginia Beach for many years, this heat stress bill is going to positively affect my job and my work performance. It is important to my personal health and so many employees across the state.

Indoor heat stress has been grossly neglected and I am grateful that it is finally being addressed. Warehouses, backrooms, large buildings suffer from inadequate airflow in so many ways. And it is not strongly acknowledged. So, this law and bill coming into place is finally going to put the protection needed for those of us inside as well. Thank you for your time.

Commenter 5: My name is **Ramon Zepeda Ramos**. I'm with the Virginia Interfaith Center for Public Policy, and we have also worked with the Safety and Health Codes Board in the past to try to establish standards to protect workers from heat related illnesses and injuries. Working families and low-wage workers in Virginia deserve this essential worker protection. And so, we applaud our legislators for finally passing this law in 2026.

I also urge this board to build upon the progress that was made in 2021, so that this process can be expedited and heat-related illnesses and injuries can be prevented as soon as possible. These old rules are a great starting point, but we also need new laws so this work can be complemented.

I also urge the board to adopt regulations to require employers to notify their employees of other relevant worker protections and laws that are going to affect starting in 2027. Such as the paid sick leave and paid family medical leave loss if workers are exposed to extreme heat conditions and become ill, they should be taken care of. The employer should provide protection and if they fail to do so, they should provide care for their employees. Beyond rest, shade and water, workers also need pay time to care for themselves and their families when they experience active related illness or an injury. Thank you for your time and consideration.

Chair Bundy provided an opportunity for those individuals who did not register but would like an opportunity to speak to the board to raise their hand in the chat at this time. There were no additional speakers.

Josh Laws from the Attorney General's Office introduced himself and indicated he was in the meeting should the board members have any questions.

Chair Bundy thanked the speakers for their testimony and advised that individuals who did provide testimony this morning are encouraged to submit a written version of any comments by e-mail to Cristin Bernhardt at cristin.bernhardt@doli.virginia.gov no later than 5:00 pm on Friday, July 31.

Chair Kelly Bundy moved to the next item on the agenda, which was Old Business.

OLD BUSINESS. None.

Chair Kelly Bundy moved to the next item on the agenda, which was New Business.

NEW BUSINESS

She recognized **Zahra Qarni, Director of Policy & Planning for DOLI**, to address the Board on the heat illness prevention standard.

*My name is **Zahra Qarni** and I am the Director of Policy and Planning, Research and Analysis and Boiler Pressure Vessel Safety at DOLI. Today I will provide a brief overview of the process for developing the heat illness prevention standard required by the 2026 General Assembly and to present the actions we are requesting from the Board. As you may recall at our last meeting, Deputy Commissioner Charles Stiff provided an overview of Virginia's regulatory process and discussed the statutory mandate directing the Board to develop these prevention standards. Since that meeting, DOLI has continued preparing to begin the formal rulemaking process.*

I'd like to briefly revisit the overall regulatory process. As Deputy Commissioner Stiff mentioned last time, the development of a regulation requires several key steps.

We begin with the Notice of Intended Regulatory Action (NOIRA), which formally announces that the Board intends to develop a regulation. Following that, we will conduct the regulatory advisory panels and develop proposed regulatory language. The proposed regulation will then come back before the board for consideration and then is published for public comment. Finally, the Board will consider the final regulation, which if approved, is published and undergoes one final comment period before becoming effective. So today we bring our request to the Board to authorize the NOIRA and a Regulatory Advisory Panel (RAP) as the first step in this process.

If authorized by the Board, DOLI will prepare and file the NOIRA in the Virginia Register of Regulations and upon publication, will begin a 30-day comment period. During this public comment period, the public will be asked primarily to comment on the intended scope of the regulation and any issues that should be considered during its development.

At the same time, the legislation requires the board to convene a Regulatory Advisory Panel (RAP). The staff at DOLI will handle this process and bring together stakeholders from across

the industries to provide technical input for the Agency on the standard. This panel is advisory in nature and will provide recommendations and feedback through the development.

So now I will go through the elements of the briefing package. The action requested, the Virginia Occupational Safety and Health Program request that the Safety and Health Codes Board authorize DOLI to begin the regulatory process for a heat illness prevention standard established by the Code of Virginia § 40.1-44.2 passed in the 2026 General Assembly. This authorization would permit DOLI to file a notice of intended regulatory action under the Virginia Administrative Process Act and authorize the convening of a regulatory advisory panel pursuant to 16VAC25-11-70 that will provide stakeholder input throughout the regulatory process.

Just a quick recap on what Deputy Commissioner Stiff covered in greater detail during our May 14th meeting. The legislation that passed directs the Safety and Health Codes Board to adopt standards addressing heat illness prevention for employees performing both indoor and outdoor work no later than May 1st, 2028.

Importantly, the General Assembly also established several minimum elements that must be addressed in the standard. These include requirements related to the provision of drinking water, access to shade or climate-controlled environments when practicable, rest periods, acclimatization to working in heat, employee training procedures for work performed at specific heat thresholds, and emergency response procedures. This slide before you contains the key language from the enactment clause in the bill specifying the minimum components and what we should consider when developing the regulation.

This brings me to our recommended action staff at DOLI recommend that the Safety and Health Codes Board direct DOLI to initiate a notice of intended regulatory action (NOIRA) to adopt regulations applicable to health illness prevention as required by statute.

DOLI further recommends that the board authorizes the agency to convene a regulatory advisory panel to assist in the development of any proposed regulation. We also recommend that the board include in any motion regarding this NOIRA, a statement affirming that it will receive, consider and respond to petitions from any interested person at any time concerning the reconsideration or revision of this or any other regulation.

Thank you Madam Chair. This concludes my presentation. Thank you for the opportunity to come before the board.

Chair Bundy asked the Board if there was any additional discussion on the recommendation presented.

There were no more requests for discussion and a request for a motion to approve the recommended action was made. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

Approval of DOLI Recommendation to initiate a NOIRA for the Heat Illness Prevention Standard.	Yes	No	Abstain	Absent
Jay Abbott	x			
Kevin Battle	x			
Lee Biedrycki	x			
Kelly Bundy	x			
Joel Canady - DEQ	x			
Michael Everett				x
Lance Gregory - VDH	x			
Larry James	x			
Audrey Janosik				x
Rena Parker	x			
W. Allan Rees				x
Jeffrey Rowe	x			
Robert Smith	x			
James Spencer	x			
TOTAL	11			3

Chair Bundy moved to the next item on the agenda, which was Items of Interest from Department of Labor and Industry.

ITEMS OF INTEREST FROM DOLI OF LABOR AND INDUSTRY

None

ITEMS OF INTEREST FROM MEMBERS OF THE BOARD

James “Lou” Spencer asked how the RAP would be composed and whether Board members would have the opportunity to volunteer and participate.

Charles L. Stiff, Deputy Commissioner explained that DOLI had already received inquiries from stakeholders interested in serving on the RAP and that Cristin Bernhardt was collecting expressions of interest through a designated email address. Board members may also submit requests to participate, although the panel's size will need to remain manageable. He clarified that participating Board members would provide technical advice in their individual capacities rather than acting on behalf of the Board. The goal is to fulfill the legislative requirements and obtain input from a broad range of affected industries.

Kevin Battle indicated he would also like information to participate with the RAP and provide input as the boiler and pressure vessel industry will be heavily impacted.

There was a question from a member of the public, Gavin Driscoll, asking how the public would be informed about opportunities to volunteer for the RAP and receive other pertinent information about the process.

Zahra Qarni indicated that DOLI would post information on its website and email stakeholders a link to the online interest form. She added that the information would be distributed shortly and that DOLI would retain the email addresses of meeting attendees so they could receive the registration information.

MEETING ADJOURNMENT

The motion to adjourn the meeting was made, properly seconded and the roll call vote was conducted. The motion carried. Chair Kelly Bundy adjourned the meeting at **10:54 am**.