

**FINAL**  
**SAFETY AND HEALTH CODES BOARD**  
**PUBLIC HEARING MEETING MINUTES**  
**Tuesday, January 5, 2021**

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 December 21, 2020. Notice of this hearing was also published on the Virginia Regulatory Townhall’s website here: <https://townhall.virginia.gov/L/ViewMeeting.cfm?MeetingID=31985>.

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/2021/01/SHCB-Public-Hearing-20210105-1416-1.mp4>.

**BOARD MEMBERS**

**PARTICIPATING:**

Ms. Milagro Rodriguez, Chair  
Mr. Charles Stiff, Vice Chair  
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  
Mr. Thomas Thurston  
Mr. Phil Glaize  
Mr. Jerome Brooks

**BOARD MEMBERS ABSENT:**

Mr. Louis J. Cernak, Jr.

**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 Milagro Rodriguez called the Public meeting to order at 9:15am. A quorum was present. Chair Rodriguez 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 Ms. Rodriguez made her 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. Nandan Kenkeremath, Leading Edge Policy & Strategy, LLC
3. Laura Karr, Amalgamated Transit Union
4. Kyle Shreve, Virginia Agribusiness Council
5. Hobey Bauhan, Virginia Poultry Federation
6. Vanessa Patterson, Richmond Area Municipal Contractors Assoc. and Precast Concrete Assoc. of Virginia
7. Doris Crouse-Mays, Virginia AFL-CIO
8. Nicole Riley, National Federation of Independent Business
9. Jodi Roth, Virginia Retail Federation
10. Terrance Durkin, Roanoke Regional Chamber of Commerce
11. Mike Wilson, United Food and commercial Workers Local 400
12. David Broder, SEIU Virginia 512
13. Ron Jenkins, Virginia Loggers Association
14. Charlotte Brody, BlueGreen Alliance
15. Rebecca Reindel, AFL-CIO
16. M.K. Fletcher, AFL-CIO
17. Donald Baylor, National Coalition of Public Safety Officers
18. Clayton Medford, Northern Virginia Chamber of Commerce
19. P. Dale Bennett, Virginia Trucking Association
20. Susan Seward, Seward Consulting Inc. for VA. Veterinary Medical Association and the VA. Forest Products Assoc.
21. Brandon Robinson, Associated General Contractors of Virginia (AGCVA)
22. Kim Bobo, Virginia Interfaith Center for Public Policy
23. Rachel McFarland, Virginia Justice Project for Farm and Immigrant Workers-Legal Aid Justice Center

Emily Hasty of Hampton Roads Chamber of Commerce had signed up to speak but was not connected to the Webex when her name was called. Ms. Hasty's name was called again after that last speaker had provided comments and Ms. Trice of DOLI stated that she spoke with Ms.

Hasty via telephone. Ms. Trice stated Ms. Hasty stated she was unable to connect to the Webex due to the internet being out at her location. Ms. Hasty stated to Ms. Trice that she would email her comments she would have presented to DOLI.

## **ADJOURNMENT**

Ms. Rodriguez thanked the Board members, all participants and the Agency. Ms. Rodriguez adjourned the hearing at 11:27am.