



**July 23, 2020**

Greetings from VADA,

Read about Virginia's new Emergency Temporary Standard (ETS), applicable to all employers in the Commonwealth and stipulating numerous COVID-19-related workplace safety requirements. You'll find a link to VADA's more thorough analysis of the requirements.

**Virginia adopts nation's first COVID-19 workplace safety requirements.**

On July 15, Virginia adopted the nation's first state-level COVID-19 workplace safety requirements (available [here](#)) — formally §16VAC25-220, Emergency Temporary Standard.

In May, Gov. Ralph Northam directed the Virginia Department of Labor and Industry (DOLI) to promulgate workplace safety regulations given perceived inaction from the federal government — namely, the Occupational Safety and Health Administration within the U.S. Department of Labor — concerning workplace safety complaints related to the novel coronavirus. DOLI submitted a proposal to the state's Safety and Health Codes Board, which voted 9-2 in favor of the requirements.

According to a [news release](#) from the Office of the Governor, these rules “will protect Virginia workers by mandating appropriate personal protective equipment, sanitation, social distancing, infectious disease preparedness and response plans, record keeping, training, and hazard communications in workplaces across the Commonwealth. The actions come in the absence of federal guidelines.” The ETS is expected to take effect next week and last at least six months.

Many of the new rules are consistent with the Governor's executive orders and/or guidance from the Centers for Disease Control and Prevention (CDC). That means many ETS requirements will be familiar to VADA members, who have adhered to such practices for months. The ETS adds to and operates separate from those orders. Also, unlike CDC guidance, the ETS is binding regulatory law that, if violated, might result in significant civil penalty.

VADA staff created questions and answers (available [here](#)) to help our members understand what will be required of them under the ETS. **In addition to reviewing such material, it is important you thoroughly review [the full ETS with counsel to ensure compliance](#).** DOLI has indicated the Virginia Occupational Safety and Health (VOSH) Program is creating materials — including (1) a COVID-19 Training PowerPoint for Employers and Employees with an included training certification form, and (2) an Infectious Disease Preparedness and Response Plan Template (including different versions for different industries) — to assist employers.

More than ever, it is a pleasure to serve the new car and truck dealers of Virginia.

Sincerely,

A handwritten signature in black ink that reads "Donald L. Hall".

Donald L. Hall  
President and CEO