



**VIRGINIA TRUCKING ASSOCIATION**

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***P. Dale Bennett***  
***President & CEO***

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August 23, 2021

**Submitted Electronically**

Virginia Safety and Health Codes Board  
c/o Jay Withrow, Director  
Division of Legal Support, ORA, OPPPI, and OWP  
Virginia Department of Labor and Industry  
600 E. Main Street, Suite 207  
Richmond, VA 23219  
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RE: Comments of the Virginia Trucking Association  
re: Recommended Revisions to the Proposed Amendments of the VOSH Standard for Infectious Disease Prevention of the SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220

Dear Safety and Health Codes Board Members:

Thank you for the opportunity to comment on the Recommended Revisions to the Proposed Amendments of the VOSH Standard for Infectious Disease Prevention of the SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220. These comments are provided on behalf of the Virginia Trucking Association (VTA).

As background, the VTA is the statewide association of trucking companies, private fleet operators, industry suppliers, and other firms that support safe and successful trucking operations. Our membership includes family-owned and corporate trucking businesses engaged in the transport of goods and services throughout the Commonwealth of Virginia and the United States. The VTA membership includes companies that are headquartered in Virginia as well as companies headquartered in other states that have locations in Virginia and/or operate commercial vehicle in and through the Commonwealth.

Throughout the COVID-19 pandemic, the trucking industry has continued to operate as an essential service, providing critical transportation of the essential goods, including vaccines, test kits and medical supplies, to sustain the population and the economy.

The trucking industry has been able to continue operating by making commonsense adjustments to its operations, both on the road and within its shops and offices necessary to continue daily operations. Safety and Human Resources professionals within the trucking industry have spent countless hours poring over guidelines and recommendations from medical and industry experts to draft continuation plans that work best for their operations and provide the highest and most practical level of safeguards

for their employees to protect them from COVID-19.

### **The Permanent Standard**

We believe that the current permanent standard does not provide the flexibility needed for a pandemic that is temporary and ever-changing. Therefore we believe that the Board should act to repeal the permanent standard.

However, should the Board determine to continue the permanent standard, we strongly support the recommendation to adopt the Governor's proposed amendment to 16VAC25-220-10.E. By approving the Governor's recommended amendment, the Board will enable employers to focus on and follow the best practices and guidance - and subsequent changes thereto - issued by the CDC as it reacts to ever changing science regarding spread of the virus.

For an interstate industry like trucking, it is extremely important to have one set of regulations and guidance to simplify compliance and promote uniform understanding of the requirements as our drivers travel in Virginia and across the country.

### **Multiple Employees Occupying the Same Work Vehicle (16VAC25-220-40.F)**

We appreciate the effort to address our concern about the requirement that employers provide and require employees occupying the same work vehicle with "respiratory protection, such as an N95 filtering face piece respirator," which we believe would be overly prescriptive and costly.

While the proposed amendment adding face coverings as an option is an improvement, it will have the effect of requiring employers to incur additional costs to purchase and keep in stock both N95 filtering face piece respirators and face coverings in order to provide whichever option an employee may choose on any particular day.

We believe this section should be amended to require employers to provide and require employees to wear face coverings only. To the best of our knowledge neither the federal or any other state government requires non-medical and non-first responder employers to provide N95 filtering face piece respirators and require employees to wear them. To protect persons on public transportation or at transportation hubs throughout the country, the CDC requires face masks, but not N95 masks. We believe the Board should follow CDC guidelines and require face coverings only.

We are concerned that the amended standard places a difficult burden on truck drivers to know when they must comply with the face covering requirement when, on a daily basis, they are traveling between and working in areas with varying transmission rates

We recommend that the wording of this section be clarified by inserting the word "additional" between the words "more" and "employees" in the first sentence of of the first paragraph of 16VAC25-220-40.F and the first and second sentences of 16VAC25-220-40.F.4.

As stated in previous comments, we strongly support adoption of the proposed new 16VAC25-220-40.F.7.

### **Virginia Business Coalition Comments**

We share the concerns and support the recommendations outlined in the comments filed on behalf of

the Virginia Business Coalition, especially those regarding the “social media” employee complaints in §16VAC25-220-90 and the proposed new language the “Return to Work” section (16VAC25-220-40 C(3.) that requires an employer to follow any testing or quarantine guidance provided by a VDH public health professional.

### **Conclusion**

Thank you for your consideration of our comments and please contact me if you need any additional information or have any questions regarding these comments or how trucking industry is working to protect the health and safety of its workers during the pandemic.

Sincerely,

A handwritten signature in black ink that reads "P. Dale Bennett". The signature is written in a cursive style with a prominent initial "P" and a long, sweeping underline.

P. Dale Bennett  
President & CEO