



Commonwealth of Virginia
Office of the Governor

Executive Order

NUMBER SIX (2022)

REINVIGORATING JOB GROWTH BY REMOVING BURDENSOME REGULATIONS FROM VIRGINIA'S BUSINESS COMMUNITY

By virtue of the authority vested in me as Governor, I hereby issue this Executive Order to ensure Virginia is open for business.

Importance of the Initiative

Businesses across the Commonwealth of Virginia faced unprecedented challenges throughout the COVID-19 pandemic. From government mandated closures, lockdowns, and restrictions to supply chain disruptions to staffing shortages, the effects of the pandemic undoubtedly made running a business in Virginia more difficult. Unfortunately, our government contributed to these difficulties.

The "Permanent Standard for Infectious Disease Prevention of the SARS-CoV-2 Virus That Causes COVID-19," as implemented by the Safety and Health Codes Board, is not having a measurable impact on preventing the spread of COVID-19 while presenting a significant burden on businesses. Overly burdensome and time-consuming training requirements for employees inhibit the hiring of new workers. Conflicting state and federal regulations cause confusion. Unnecessary restrictions impede daily activities.

Further, it appears the "Permanent Standard for Infectious Disease Prevention of the SARS-CoV-2 Virus That Causes COVID-19" was not enacted consistent with the Administrative Process Act as required by law and, in any event, was adopted in a rushed process that provided limited opportunity for the public to review and comment on the proposed

permanent regulations. It is critical that a standard such as this, which substantially impacts the lives and legal rights of our businesses and our citizens, be enacted through a process consistent with the law and the democratic principles fundamental to our Commonwealth.

The Department of Labor and Industry has many important responsibilities in protecting the interests of Virginia's workers, and our government and our businesses must work together to combat COVID-19.

However, regulations that do little to protect our citizens while imposing heavy burdens on our businesses are not in the best interest of our Commonwealth. This is particularly true when a regulation substantially impacts the legal rights our business and our citizens and is of questionable legality. Under these circumstances, to protect the rights of the citizens of our Commonwealth, our government should focus its limited resources on enforcement activities that further the interests of our citizens.

Directive

By virtue of the authority vested in me as Governor, by Article V, Sections 1 and 7 of the Constitution of Virginia, and by § 2.2-103 of the Code of Virginia, I direct the following:

1. The Safety and Health Codes Board is to convene an emergency meeting of their membership to discuss whether there is a continued need for the "Permanent Standard for Infectious Disease Prevention of the SARS-CoV-2 Virus That Causes COVID-19." The board is directed to consider federal action in regard to the Occupational Safety and Health Administration Emergency Temporary Standard. The Board should report its findings to the Governor within 30 days.
2. The Board and the Department of Labor of Industry is directed to seek guidance from the Office of the Attorney General regarding whether the proper legal and administrative procedures were followed during adoption and promulgation of the Permanent Standards.
3. As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under my authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

Effective Date

This Executive Order shall be effective upon its signing and shall remain in force and effect unless amended or rescinded by future executive order or directive.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 15th day of January, 2022.



A handwritten signature in black ink, reading "Glenn Youngkin".

Glenn Youngkin, Governor

Attest:

A handwritten signature in black ink, reading "Kelly Thomasson".

Kelly Thomasson, Secretary of the Commonwealth