

From: Dave A LaRock

Sent: Thursday, August 05, 2021 4:09 PM

Subject: RE: Governor Northam Announces COVID-19 Vaccine Requirement for State Workers

Governor Northam,

Under federal law, each person has the right to refuse a vaccine with only an emergency use authorization. The [FDA's published Guidance document](#) spells out how products that are under EUAs are to be administered:

*[S]ection 564 does provide EUA conditions **to ensure that recipients are informed** about the MCM they receive under an EUA. For an unapproved product (section 564(e)(1)(A)(ii)) and for an unapproved use of an approved product (section 564(e)(2)(A)), the statute requires that FDA ensure that recipients are informed to the extent practicable given the applicable circumstances:*

- *That FDA has authorized emergency use of the product;*
- *Of the significant known and potential **benefits and risks** associated with the emergency use of the product, and of the extent to which such benefits and risks are unknown;*
- *That they have the **option to accept or refuse** the EUA product and of any consequences of refusing administration of the product; and*
- *Of any **available alternatives** to the product and of the risks and benefits of available alternatives.*

[FDA, "[Emergency Use Authorization of Medical Products and Related Authorities: Guidance for Industry and Other Stakeholders](#)," (January 2017) (emphasis added).]

Please respond to the following questions as soon as possible:

- Under what authority are you requiring an EUA product for all Executive Branch employees, when the EUA statute requires that recipients "...have the **option to accept or refuse** the EUA product...."?
- For those who refuse the EUA product, what testing will be required? Particularly, after December 31, 2021, when CDC will withdraw the request to the U.S. Food and Drug Administration (FDA) for Emergency Use Authorization (EUA) of the CDC 2019-Novel Coronavirus (2019-nCoV) Real-Time RT-PCR Diagnostic Panel, the assay first introduced in February 2020 for detection of SARS-CoV-2 only. https://www.cdc.gov/csels/dls/locs/2021/07-21-2021-lab-alert-Changes_CDC_RT-PCR_SARS-CoV-2_Testing_1.html

Sincerely,

Delegate Dave LaRock

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" A politician thinks of the next election. A statesman, of the next generation "

From: Press, Governor Northam <press+governor.virginia.gov@ccsend.com>

Sent: Thursday, August 05, 2021 2:26 PM

To: Dave A LaRock <DelDLaRock@house.virginia.gov>

Subject: Governor Northam Announces COVID-19 Vaccine Requirement for State Workers



Commonwealth of Virginia
Office of Governor Ralph S. Northam

FOR IMMEDIATE RELEASE · August 5, 2021

Office of the Governor

Alena.Yarmosky@governor.virginia.gov

Governor Northam Announces COVID-19 Vaccine Requirement for State Workers

~ Localities and private employers are encouraged to do the same ~

RICHMOND—Governor Ralph Northam today announced that Virginia will require its state workers to show proof that they are fully vaccinated or be tested for COVID-19 every week. This policy will impact approximately 122,000 employees and will go into effect on September 1.

Governor Northam’s action comes as the highly transmissible Delta variant is driving up cases across the Commonwealth and around the country, primarily among unvaccinated people. Nearly 73 percent of Virginia adults have had their first shot, and 54 percent of all Virginians are fully vaccinated against the virus, which is higher than most states.

“The only way to end this pandemic is to for everyone to get vaccinated against COVID-19,” **said Governor Northam**. “As head of state government, we have a responsibility to lead by example and ensure the safety of our employees and the people they serve. The three vaccines are safe, effective, free, and widely available, and I strongly urge every eligible Virginian to get their shot. The time for waiting is over.”

Last week, President Joe Biden announced a vaccination requirement for federal workers and Governor Northam’s executive directive is consistent with this policy. The full text of Executive Directive Eighteen can be found [here](#).

“Our valued state employees are dedicated to public service, and I am confident they want to do what is necessary to keep themselves, their co-workers, and the public safe,” **said Secretary of Administration Grindly Johnson**, who oversees the Department of Human Resource Management.

Virginians who have not been vaccinated are encouraged to go to vaccinate.virginia.gov or call 877-VAX-IN-VA (877-829-4682, TTY users call 7-1-1) to find a nearby vaccination clinic. For answers to frequently asked questions or to learn more about vaccination for COVID-19 in Virginia, visit vdh.virginia.gov/covid-19-vaccine.

[Full Release](#)

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