



COMMONWEALTH of VIRGINIA

Department of Health
P O BOX 2448
RICHMOND, VA 23218

M. Norman Oliver, MD, MA
State Health Commissioner

TTY 7-1-1 OR
1-800-828-1120

VIRGINIA DEPARTMENT OF HEALTH REGULATION WAIVER AUTHORITY

Pursuant to Executive Order Fifty-One (51) issued by Governor Ralph S. Northam on March 12, 2020, a Declaration of a State of Emergency Due to Novel Coronavirus (COVID-19), and acting under authority provided by SECTION C.1 of same, this document identifies and contains otherwise applicable regulatory sections of the Food Regulations found at 12VAC5-421 and the Sewage Handling and Disposal Regulations found at 12VAC5-610, now WAIVED by the Virginia Department of Health (VDH) in response to the COVID-19 outbreak, with concurrence from Secretary of Health and Human Resources Daniel Carey, MD.

The regulatory waivers contained herein are effective upon endorsement and remain so, as long as Executive Order 51 remains applicable, currently through June 10, 2020; unless sooner amended or rescinded by further executive order.

Additional waivers of applicable regulations as authorized by Governor Ralph S. Northam will be identified as necessary by VDH and made electronically accessible to the public pursuant to Executive Order 51.

This regulation waiver applies only to the regulatory sections identified below. All applicable Code of Virginia provisions remain in effect and enforceable, including Code of Virginia § 2.2-4000 et seq., the Administrative Process Act.

Questions regarding this document or the information contained within should be addressed to: Ms. Julie A. Henderson, Director, Office of Environmental Services, VDH, at (804) 864-7455 or julie.henderson@vdh.virginia.gov.

M. Norman Oliver MD 5/27/20
M. Norman Oliver, MD, MA Date
State Health Commissioner

1 "C. Authorization for the heads of executive branch agencies [including VDH], on behalf of their regulatory boards as appropriate, and with the concurrence of their Cabinet Secretary [Daniel Carey, M.D., Secretary of Health and Human Resources], to waive any state requirement or regulation, and enter into contracts without regard to normal procedures or formalities, and without regard to application or permit fees or royalties. All waivers issued by agencies shall be posted on their websites."

421 and 610 Regulations Waiver-Executive Order 51  
May 19, 2020

**Food Regulations, 12VAC5-421 et seq. (In part: Waived language italicized and captured parenthetically)**

**I waive the following regulatory section pursuant to Executive Order 51:**

**12VAC5-421-3970. Enforcement of Regulation.**

H. Proceedings before the commissioner or his designee shall include any of the following forms depending on the nature of the controversy and the interests of the parties involved.

1. Informal fact-finding conferences. An informal fact-finding conference is a meeting with a district or local health department (*with the district or local health director presiding and*) held in conformance with § 2.2-4019 of the Code of Virginia.

**Sewage Handling and Disposal Regulations, 12VAC5-610 et seq. (In part: Waived language italicized and captured parenthetically)**

**I waive the following regulatory section pursuant to Executive Order 51:**

**12VAC5-610- 200. Hearing Types.**

Hearings before the board, commissioner or the commissioner's designees shall include any of the following forms depending on the nature of the controversy and the interests of the parties involved.

A. Informal hearings. An informal hearing is a meeting with the district or local health department (*with the district or local health director presiding and*) held in conformance with § [ 2.2-4019] of the Code of Virginia.