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May 13, 2020

The Honorable Ralph S. Northam  
Office of the Governor  
Patrick Henry Building, 3rd Floor  
1111 East Broad Street  
Richmond, VA 23219

Dear Governor Northam,

The Virginia Legislative Black Caucus (VLBC) writes to you to express our grave concerns with and strong opposition to plans to begin Phase One of the "Forward Virginia" plan this Friday, May 15th.

While we understand the valid concerns that non-essential business closure and stay-at-home orders have taken a substantial toll on our Commonwealth's economy, these concerns must be weighed with the substantial negative impacts on many Virginians, especially Black Virginians and Virginians of Color. As our most recent letter to you concerning the protection and support of Virginia's workers expressed, a significant percentage of our essential workers are Black Virginians and Virginians of Color. The concerns that we expressed in that letter still remain unaddressed and these workers still require such protections and support. Reopening now will not only increase the incidence of COVID-19 exposure to these workers, who remain unprotected and ill-supported, but will also increase the negative economic pressures that they are already experiencing. In addition, reopening would add to the number of Virginia workers who are exposed to these unaddressed issues.

As we've written to you before, the current pandemic and economic crisis in our country and Commonwealth is hitting the Black community and Communities of Color the hardest. Yet a premature reopening of Virginia's economy under these aforementioned weaknesses in proper medical infrastructure and capacity will hit Black Virginians and Virginians of Color even harder. Under the current plan, and with the already existent racial disparities that this pandemic and economic crisis are perpetuating, we will be creating a situation where Black and Brown Virginians outside of Northern Virginia will become guinea pigs for our economy. We've already seen this take place in Georgia, where that state's premature reopening resulted in a huge spike in COVID-19 cases, with the overwhelming majority being Black people and People of Color. Throughout our country's history, Black and Brown people have been experimented on and used as unwilling test subjects before -- we cannot allow that to be repeated here.

It is currently unclear that the proper metrics have been met to satisfy what the medical community and CDC guidance indicates as a safe standard for beginning to reopen an economy. For instance, we still do not possess the necessary testing capacity and infrastructure of a safe reopening. In certain areas of our Commonwealth, basic and necessary cleaning supplies are hard to obtain for many. Both Sen. Mark Warner and Rep. Bobby Scott have also raised concerns with reopening too soon before adequate testing is in place. Once this Phase One plan goes into effect there is no turning back. Therefore, we must go through with it only when the proper protections are in place. Other countries who have reopened too soon have experienced spikes in the virus, leaving these countries scrambling to dial back these reopening policies.

Furthermore, the Phase One guidance is often confusing and contradictory. For example, under Phase One churches are permitted to open at 50 percent capacity, while observing social distancing, wearing masks, and meeting certain hygiene practice requirements. Yet in some areas of our Commonwealth, there are churches with large congregations -- where even at 50 percent capacity the result would be massive gatherings of people, where many Virginians would be at risk, even with social distancing and following proper government guidance. There is not a clear rationale for this 50 percent capacity guidance where other smaller gatherings would be prohibited.

In addition to the apparent medical concerns, moving forward with Phase One too soon will exacerbate economic issues for many Virginians, especially Black Virginians and Virginians of Color. Of significant concern is the lack of childcare services for many workers. Reopening now would put workers in a situation where they would be forced to go back to work without proper access to quality childcare or face uncertainty in employment.

Further jeopardizing the economic security of Virginia's working families, unemployment benefits and resources are also at risk. The Virginia Employment Commission (VEC) currently requires more staff for processing the record number of unemployment applicants. The guidance is further unclear on how this planned reopening will affect such current and future unemployment claims resulting from this pandemic. Implementing Phase One without properly addressing this issue will lead to chaos and confusion, resulting in Virginians who have already fallen through the cracks of our system to only fall deeper. Many Virginians, especially Black Virginians and Virginians of Color, will be faced with a false choice: either go back to work under unsafe work conditions, putting themselves and their families in danger, or risk losing income and possibly unemployment benefits that are essential to meet basic needs. Currently, workers' safety is dependent on employers' willingness and ability to adhere to governmental guidelines (as they are not governmental mandates).

The VLBC is opposed to reopening this Friday in the absence of adequate medical, economic, and workplace infrastructure. We request that you respond to these concerns with an equity-focused plan addressing the issues raised prior to moving forward with Phase One. We particularly ask for a plan that explicitly considers and confronts current and potential growth in racial disparities, and the needs and safety of underserved and vulnerable populations in Virginia.

Sincerely,



Lamont Bagby  
Member, 74th District  
Virginia House of Delegates  
Chair, Virginia Legislative Black Caucus