



April 23, 2020

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3240 Kerner Boulevard
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RE: Housing Construction in Future Shelter-in-Place Orders

Dear Drs. Cody, Pan, Farnitano, Willis, Aragón, Morrow, and Hernandez:

The undersigned coalition applauds your early and decisive steps to “flatten the curve” of the COVID-19 pandemic. No doubt those actions saved countless lives and led a national movement. We are all truly in your debt. As California begins to build toward finding a “new normal,” we write to urge you to allow critical construction projects to resume under future Shelter-in-Place orders.

California’s housing crisis is a public health crisis. The Bay Area’s structural housing deficit has a direct and harmful impact on the health and safety of all residents. Countless studies and public health initiatives have recognized that housing insecurity is detrimental to both physical and mental health. It also disproportionately impacts people of color and low-income residents. It’s imperative that our region’s next SIP order classifies housing construction as an essential activity so that we do not continue to lose valuable time combating the housing crisis.

Perhaps no industry is as prepared and capable of implementing new health and safety rules than the construction sector - for both residential and commercial projects. Bay Area Building and Construction Trades Councils, the United Contractors Association, and the Construction Employers Association immediately provided clear guidelines and resources for the industry to follow. Construction employers have implemented numerous innovative safety protocols. Attached in Appendixes A and B are two sets of protocols from union and general contractor groups for further discussion. Construction going forward in our “new normal” will look much different than in the past. Demonstrating this type of adaptability is key to not just economic resiliency, but the sustainability of potential future rolling SIP orders. The construction sector is uniquely situated to safely restart the regional economy and address housing insecurity while putting thousands of people back to work with standardized, effective, and enforceable social distancing methods in place. The industry is not only prepared to hold itself accountable, but welcomes the supervision of the public and health officials. The social distancing rules will be enforced by union representatives on union labor jobs, by building inspectors and potentially by occasional visits by local law enforcement. Violations could be punished by fines and by shutdown orders.

While the March 31 SIP order acknowledged the severity of the housing crisis by allowing a small number of affordable projects to continue, it is important to recognize the broader role that new construction – at all income levels – plays in the housing ecosystem. Every new unit moves the needle toward relieving a catastrophic housing shortage stemming from decades of underbuilding. Many market-rate projects – both residential and commercial – pay millions in affordable housing fees to cities. Of the limited tools available to local jurisdictions to fund affordable housing, these fees are among the most critical. Any delay in receipt of those fees from completed projects in turn delays future affordable housing. More broadly, stopping construction delays the critical property tax and transfer tax revenue that cities and counties depend on for homelessness interventions, public services, and basic operations. The construction of new housing at all income levels is critical to addressing the housing shortage

that has caused significant pain and disruption to our communities – particularly during these precarious times.

No doubt you have heard from numerous associations, community groups, and elected officials bearing this same message. Leaders from business, labor, and the community have come together committed to construction that protects the health and safety of workers and Bay Area residents in the near-term, while also building for the benefit of their health in the long-term. We urge you to allow construction to resume under future SIP orders in a safe and responsible manner.

Sincerely,

Zack Wasserman, Board Chair, Oakland Metropolitan Chamber of Commerce; Partner, Wendel Rosen LLC

Barbara Leslie, President & CEO, Oakland Metropolitan Chamber of Commerce

Andreas Ferreira Cluver, Secretary Treasurer, Alameda County Building and Construction Trades Council

Tomiquia Moss, Founder & CEO, All Home

Jim Wunderman, President & CEO, Bay Area Council

Alicia John-Baptiste, President & CEO, SPUR

Gregory McConnell, President & CEO, Jobs and Housing Coalition

Vince Rocha, Senior Director, Silicon Valley Leadership Group

Bob Glover, Executive Officer, Building Industry Association of the Bay Area

Leslye Corsiglia, Executive Director, SV@Home

Rosanne Foust, President & CEO, San Mateo County Economic Development Association (SAMCEDA)

Kristin Connelly, President and CEO, East Bay Leadership Council

Todd David, Executive Director, BayHAC

Cynthia Murray, Executive Director, North Bay Leadership Council

Rodney A. Fong, Executive Director, San Francisco Chamber of Commerce

Amy Buckmaster, President & CEO, Redwood City/San Mateo County Chamber of Commerce

Matthew R. Mahood, President & CEO, Silicon Valley Organization

Lynn Wallace Naylor, President & CEO, Innovation TRIVALLEY Leadership Group

Mark Breslin, CEO, United Contractors

Bill Whitney, CEO, Contra Costa County Building & Construction Trades Council

Danny Bernardini, Business Manager, Napa-Solano County Building & Construction Trades Council

David Bini, Executive Director, Santa Clara & San Benito Counties Building & Construction Trades Council

Jack Buckhorn, CEO, Marin-Sonoma County Building & Construction Trades Council

James Ruigomez, Secretary-Treasurer, San Mateo County Building & Construction Trades Council

CC:

Presidents, Board of Supervisors of for the counties of Alameda, Contra Costa, Marin, Napa, Santa Clara, San Francisco, and San Mateo

Administrators for the counties of Alameda, Contra Costa, Marin, Napa, Santa Clara, San Francisco, and San Mateo

Counsels for the counties of Alameda, Contra Costa, Marin, Napa, Santa Clara, San Francisco, and San Mateo

Mayors of Oakland, San Francisco, San Jose, and Berkeley

Plan for Safe Construction During the COVID-19 Health Crisis¹

The initial Shelter in Place Order as well as the updated order of March 31, 2020 allow for the safe resumption of public works, residential and commercial development projects deemed “essential”. The construction industry has come together during this pandemic to collaborate on a plan to safely resume work on additionally designated essential development projects in Santa Clara County. The safe resumption of work on additional public works, residential and commercial development projects will assist in addressing the dire need to provide housing options to our most vulnerable populations negatively impacted during this pandemic *and* pave the way for an accelerated economic and public health recovery once normalcy returns.

Our plan will fully implement the published Santa Clara County Public Health Department’s **COVID-19 Construction Field Safety Guidelines²** on all projects for as long as the public health officials determine they are necessary. In addition, we have augmented these stringent guidelines to reduce the number of non-work related trips and human interactions and to ensure that any personal protective equipment utilized by individual crafts does not reduce the number available to our health care professionals.

This plan is a minimum standard for the resumption of work on development projects and can be augmented with additional requirements as the science and information evolves during this pandemic per the Public Health Director. Direction, guidance and counsel from our county public health professionals will be relied upon as this draft plan is evaluated and eventually implemented.

PPE

At no time will a contractor secure PPE at the detriment of our health care providers. **All construction industry PPE are markedly different from health care industry/medical grade PPE.** Other than a limited amount of N95 masks for those taking temperatures of workers prior to their entry into jobsites and for custodial workers, there is no overlap of PPE.

Only non-medical grade 3M Half Facepiece Respirator 6000 Series, Reusable masks will be used. Please see product description attachment.

¹ The following plan is the result of collaboration among the Building Trades Councils of Santa Clara & San Benito, Alameda, Contra Costa, Napa & Solano, Marin & Sonoma, San Francisco, San Mateo, and Monterey & Santa Cruz Counties, as well as the affiliated unions; UA Local 393, IBEW Local 332, SMART Local 104, and UA Local 483.

² <https://www.sccgov.org/sites/phd/DiseaseInformation/novel-coronavirus/Documents/COVID-19-Construction-Field-Safety-Guidelines.pdf>

COVID-19 Community Spread Reduction Plan

- o Carpooling to and from the work site is banned unless the workers are living within the same household.
- o Stops to and from home and the work site are banned. Workers must commit to driving directly to and from work with no additional stops along the way. Those who are deemed to have violated this requirement will be initially warned and a second violation will result in dismissal from the job site.
- o To reduce the number of stops while traveling to or from the work site, a mobile gasoline vendor will be procured for both commercial and worker vehicles. The vendor will be made available to workers on a regular basis at each respective jobsite.
- o Any worker that leaves the jobsite during their shift will not be allowed to return to work that day.
- o Workers must bring their own lunch, snacks and water. Sharing of any of these items is strictly prohibited and if observed the worker will be sent home for the day.
- o Use of microwaves, water coolers, and other similar group equipment for breaks is suspended until further notice.
- o Maintain the recommended minimum 6 feet separation from one another.

COVID-19 Safety Compliance Officer Job Site Responsibilities

The plan's components include, but are not limited to; Assigning a COVID-19 Safety Compliance Officer (SCO) to each job site who will conduct a daily job site social distancing compliant briefing for workers that will reinforce safety requirements, include a basic health screening of workers and solicit feedback from workers. Topics and actions that will be covered include;

- o Temperature check and health screening questions posed to workers prior to entering the worksite (To be conducted by a gloved and masked SCO—Those with high temperatures and/or those that disclose symptoms or potential exposure to COVID-19 will not be permitted on work site)
- o New job site rules and pre-job site travel restrictions for the prevention of COVID-19 community spread,
- o Sanitation and hygiene procedures,
- o Solicitation of worker feedback on improving safety and sanitation,
- o Coordination of construction site daily cleaning/sanitation requirements,
- o Conveying updated information regarding COVID-19, and
- o Emergency protocols in the event of an exposure or suspected exposure to COVID-19.

The Safety Compliance Officer will ensure implementation of all recommended safety and sanitation requirements regarding the COVID-19 virus at their respective job sites. SCO will have training commensurate with their required tasks in this plan and be familiar with all required sanitation practices required by this plan.

The SCO will compile daily written verification that each job site is compliant with the components of this plan. Each written verification form will be copied, stored and made immediately available upon request by any county official.

The SCO will report noncompliance of this plan to the appropriate job site supervisors, designated county official and work with all partners on an immediate remediation plan to address noncompliance.

COVID-19 Building Trades Jobsite Safety Accountability Supervisor Responsibilities

To provide robust accountability and an additional layer of oversight of the Plan for Safe Construction in Santa Clara County, the Santa Clara & San Benito Counties Building & Construction Trades Council (BTC), utilizing trained workers from our affiliates, will deploy Jobsite Safety Accountability Supervisors (JSAS) to monitor compliance at each job site. Each JSAS will be trained in the protocols set forth in the Plan for Safe Construction developed in response to the Coronavirus Pandemic.

Their duties will include:

- o Verification that the Contractor is adhering to the requirements set forth in the Plan for Safe Construction.
- o Visual verification that cleaning and sanitizing protocols are being performed.
- o Visual verification that social distancing protocols are being maintained.
- o Interviews of random workers to verify that all protocols set forth in the plan are adhered to.
- o After each jobsite visit, the JSAS will complete a written assessment form validating that all components of plan are being adhered to. Each written assessment form will be copied, stored and sent to the proper county official.
- o If the JSAS discovers noncompliance, the JSAS will work with the jobsite SCO on an immediate remediation plan to address the noncompliance. Documentation of the noncompliance must be made with the written remediation plan attached.
- o The BTC will remain in constant communication with the County to ensure that every active jobsite will be monitored by the BTC for compliance with the plan.

Job Site Social Distancing Protocols

- o Establish staggered stop/start time shift schedules to spread out and reduce workers on any given location within a job site.
- o Stagger trades conducting work so that the bare minimum of workers are in any section of the job site at any one time.
- o Maintain the recommended minimum 6 feet separation from one another at all times. To improve compliance, establish visual markers to clearly delineate six feet separation.

Cleaning schedules and cleaning and sanitizing protocols

The schedule and cleaning and sanitizing protocol of each area should be based on its type and frequency of use per CDC guidelines³

- o All surfaces must be thoroughly wiped down with acceptable cleaning and sanitizing products.
- o Areas to be cleaned and sanitized after each use; Jobsite, contractor and subcontractor safety meeting areas, individual contractor and subcontractor daily work distribution meeting areas, designated jobsite lunch and break areas
- o Areas to be continuously cleaned and sanitized: Entrances and Exits to the jobsite,

³ <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html>

Safe Construction Plan April 14, 2020

Jobsite trailers, Jobsite restroom areas, stairs, elevators and lifts

- o Personnel performing the jobsite cleaning and sanitizing must be supplied with the proper PPE to prevent them from contracting COVID-19.
- o A designated bio-waste container will be provided for the disposal of any disposable PPE worn by the cleaning and sanitizing personnel.
- o This bio-waste will be disposed of following the Santa Clara County Health Departments protocol for the disposal of bio-waste.
- o Install hand-washing stations and non-touch waste bins in multiple locations.
- o Post, in areas visible to all workers, required hygienic practices including not touching face; and washing hands often with soap and water for at least 20 seconds.

Jobsite trailers

- o Maintain the recommended minimum 6 feet separation from one another at all times within trailers. To improve compliance, establish visual markers to clearly delineate six feet separation.
- o Use of microwaves, water coolers, and other similar group equipment for breaks is suspended until further notice.
- o Install hand-washing stations and non-touch waste bins.
- o Post, in areas visible to all workers, required hygienic practices including not touching face; and washing hands often with soap and water for at least 20 seconds.
- o Maintain a daily attendance log of all workers and visitors to the job site.

Jobsite restroom areas

- o Maintain the recommended minimum 6 feet separation from one another at all times. To improve compliance, establish visual markers to clearly delineate six feet separation.
- o Install hand-washing station and non-touch waste bins.
- o Post, in areas visible to all workers, required hygienic practices including not touching face; and washing hands often with soap and water for at least 20 seconds.

Jobsite, contractor and subcontractor safety and work distribution meeting areas

- o Maintain the recommended minimum 6 feet separation from one another at all times. To improve compliance, establish visual markers to clearly delineate six feet separation.
- o Use of microwaves, water coolers, and other similar group equipment for breaks is suspended until further notice.
- o Install hand-washing station and non-touch waste bins.
- o Post, in areas visible to all workers, required hygienic practices including not touching face; and washing hands often with soap and water for at least 20 seconds.
- o Maintain a daily attendance log of all workers and visitors

Jobsite designated break areas

- o Workers must bring their own water, meals and snacks to work. Sharing is prohibited. Workers are not allowed to exit the jobsite at any time and will not be allowed back to work for the day if they leave.

Safe Construction Plan April 14, 2020

- o Maintain the recommended minimum 6 feet separation from one another at all times. To improve compliance, establish visual markers to clearly delineate six feet separation.
- o Install hand-washing stations and non-touch waste bins.
- o Post, in areas visible to all workers, required hygienic practices including not touching face; and washing hands often with soap and water for at least 20 seconds.

COVID-19 Exposure Plan

In the event of a COVID-19 exposure at any job site the following will take place:

- o Immediate removal of infected individual from the job site with directions to seek medical care,
- o Contact tracing of each area the exposed worker was at and any workers in those areas will be immediately notified and ordered to decontaminate in a designated location at each job site,
- o Each location the infected worker was at will be decontaminated and sanitized by an outside vendor certified in hazmat clean ups,
- o The county health department will be notified and any additional requirements per the county health officials will be performed.

Prioritizing Projects

The proponents of this plan are committed to completing projects that include, but are not limited to those listed in the ***Current Shelter in Place Order Explained*** section of the Santa Clara County Public Health Department's website⁴. Projects that are intended to house our homeless population will be made a priority when deciding which projects go before others. We understand that part of any COVID-19 community spread reduction plan must include a safe and secure place for people to live. We will work with each respective county and city planning department and public health officials to identify and build projects that are near completion that incorporate units for our most vulnerable populations.

⁴ <https://www.sccgov.org/sites/phd/DiseaseInformation/novel-coronavirus/Pages/public-health-orders.aspx#explained>

APPENDIX B



CONSTRUCTION
EMPLOYERS'
ASSOCIATION

UNITED
CONTRACTORS



April 10, 2020

To: **Alameda County Public Health Department:**
Director Kimi Watkins-Tartt - kimi.watkins-tartt@acgov.org

Alameda County Board of Supervisors:
Supervisor Scott Haggarty - district1@acgov.org
President Richard Valle - district2@acgov.org
Supervisor Wilma Chan - district3@acgov.org
Supervisor Nate Miley – district4@acgov.org
Supervisor Keith Carson – district5@acgov.org

Re: Exemption for Construction Activities – Shelter in Place Order

Dear Alameda County Public Health Department and Alameda County Board of Supervisors:

On behalf of the undersigned labor unions, major construction trade associations and their affiliated members who collectively represent tens of thousands of workers, hundreds of union-affiliated contractors and billions of dollars annually in construction volume in Alameda County, we urge you to advocate for reopening and keeping open our jobsites in progress and not unnecessarily eliminate thousands of jobs that can be performed and supervised safely. The unionized construction industry believes it can perform all pending construction work – including public, private, commercial and housing – while meeting the highest standards set by State, Local and Cal-OSHA policy makers.

The unionized construction industry's number one priority is and always has been to protect the health and safety of all workers and the public. As your organization examines and continues to modify the policies you have enacted over the course of the COVID-19 pandemic, it is important to consider the capabilities, resources, and track record of the union construction industry. As labor and management partners, we are all committed to implementing and enforcing robust social distancing and other critical COVID-19-related safety protocols and best practices to mitigate the risk of COVID-19 spread on our jobsites. The unionized construction industry's culture of health and safety as the top priority and its commitment to training to the highest safety standards has prepared it to quickly and effectively respond to necessary COVID-19 safety protocols.

We have already demonstrated our ability, and now stand ready as an industry, to abide by the attached industry-specific COVID-19 Construction Field Guidelines. We will take the same proactive approach in all counties where our members are performing work.

Our contractors are taking seriously the implementation and enforcement of site-specific COVID-19 safety plans to ensure that people who choose to work are healthy as they enter the jobsite and are kept safe throughout the workday. These plans provide for social distancing, jobsite personal hygiene, personal protective equipment, jobsite sanitizing, discouraging of carpooling, monitoring and enforcing the site safety COVID-19-related safety requirements and documenting of these efforts. The intent and purpose of these plans is to ensure the safety of all workers on the jobsite.

Workers who may potentially be infected are excused from work so as not to expose any other workers on the jobsite. Our industry has increased the frequency of cleaning of communal and high touch surfaces and continues to be extra vigilant in social distancing practices and the use of PPE and hygiene protocols. Workers have the choice to work in a safe manner on our projects to continue to support themselves and their families, or to not work if they choose not to for personal reasons.

To help ensure that all workers remain healthy and safe, an online COVID-19 Preparedness course has been launched which has been uniformly adopted by the Carpenters, Laborers, Operating Engineers and State Building and Construction Trades. Many of our union members and contractors' jobsite supervision and safety personnel have already taken the course, and many more are completing it every day. The training program is accessible to more than 250,000 union workers and over 1,000 union employers.

We are respectfully and urgently seeking acknowledgement and relief on behalf of our members, from the revised March 31 Shelter-in-Place Order that unnecessarily shut down many construction projects that were operating safely and resulted in the temporary lay-offs of thousands of workers as well as detrimental impacts for supply chain partners.

Thank you for your consideration of expanding the definition of construction as an "Essential Business," provided robust COVID-19 safety protocols are in place. The number one and foundational value system of our industry is Safety First. Please know that our members will continue to enact and update jobsite specific protocols to protect workers lives and livelihoods while meeting the Bay Area's significant construction needs.

Sincerely,

Peter Tatizhi
CEO, AGC of California

Michael Walton
Secretary, Construction Employers'
Association

Michael Vaming
Executive Director, Construction Elevator
Contractors Association

Michael Vaming
Executive Director, Crane Owners
Association, Inc.

Michael Vaming
Executive Director, Millwright Employers
Association

Michael Vaming
Executive Director, Modular Installers
Association

Mark Breslin
CEO, United Contractors.

Frank Nunes
CEO, Wall and Ceiling Alliance

Robert Alvarado
Executive Officer, Northern California
Carpenters Regional Council

Oscar De La Torre
Business Manager, Northern California
District Council of Laborers

Dan Reding
Business Manager, Operating Engineers
Local 3

Robbie Hunter
President, State Building and Construction
Trades Council of California

Industry Specific COVID-19 Construction Field Guidelines

Contractors should prepare a new or updated Site-Specific Health and Safety Plan to address Covid-19-related issues and are strongly urged to adopt and implement the following measures as industry best practices under that safety plan. Also, contractors should review the latest OSHA COVID-19 Workplace Safety Guidance document as a resource in preparation of their Site-Specific Health and Safety Plan.

1. Submit a new or updated Site-Specific Health and Safety Plan to address Covid-19-related issues to the appropriate County and/or Owner Representative.
2. Establish an assembly point for staff, before the start of work each day that complies with the recommended social distancing parameters.
3. Establish a daily screening protocol for arriving staff, to ensure that potentially infected staff do not enter the work site. If workers leave and re-enter the work site during the shift, re-screen individuals prior to re-entry into the work site.
4. Provide a daily tailgate session reviewing site protocols to mitigate potential spread of the virus. As information is changing continuously regarding COVID-19, these tailgates should occur daily and contractors should document attendance and require worker signatures.
5. Designate a Site Safety Rep (SSR) to monitor and implement all recommended safety practices regarding the COVID-19 virus with all contractor staff members. Labor supervisors must have the authority, through consultation with the SSR, to halt all activities that do not adhere to the COVID-19 safety practices. The SSR should have training commensurate with this hazard and all required industrial hygiene practices that may be required on the job site. This person will be responsible to maintain supplies of disinfectants and make sure that workers follow decontamination, hand washing, distancing, and PPE rules.
6. Establish the level of PPE required for each specific task. This is especially important for tasks that may require staff to work inside of the recommended social distancing zone. Employ a task specific Job Hazard Analysis (JHA).
7. For work sites where multi-employers share the same work space, inform all employers about each site-specific COVID-19 Construction Field Safety Guideline. Where one contractor enters the space of another contractor, the most stringent guidelines will be followed.
8. Clean and sanitize trailers, toilets and other enclosed spaces. Establish deep cleaning schedules on job sites to address exposed surfaces.
9. Social distancing or appropriate PPE must be maintained in elevators and lifts. Establish a regular cleaning and disinfection schedule for elevators and lifts.
10. Establish a cleaning and decontamination protocol prior to entry and exit of the job site. Establish a similar cleaning protocol within the job site area.
11. Establish cleaning and/or hand washing stations within the work areas. They should be of sufficient quantity to allow staff to remain within the work areas without exiting into break areas. It is critical to adequately maintain these stations continuously.
12. Establish adequate time in the work day to allow for proper cleaning and decontamination including prior to leaving the job site for the day.

Also, as part of the Site-Specific Health and Safety Plan contractors should draft and implement a Code of Safe Practices that will at a minimum require staff/labor to follow the following guidelines during the course of their work:

1. If you feel sick, and/or have been exposed to anyone who is sick, stay at home. You may be required to provide test result showing a negative result (not infected) before being allowed to return to work. This is critical to preventing spread of the virus.

2. Wash hands frequently for at least 20 seconds with soap and water. Avoid touching your face with un-sanitized hands. Avoid touching common surfaces with bare hands.
3. Constantly observe your work distances in relation to other staff. Maintain the recommended 6 feet at all times when not wearing the necessary PPE for working in close proximity to another person. Do not shake hands or make other direct contact with other staff. Do not carpool with other staff unless they are family members living within your household.
4. Do not share phones. Use of microwaves, water coolers and other similar group equipment for breaks are suspended until further notice.
5. Clean personal tools prior to use, as well as group tools.
6. If your task requires working in close proximity to another person, review the required JHA to ensure you are equipped with the proper PPE and are trained in and understand the directions for use. Do not start any task until you have been properly equipped and trained on procedures.
7. Ensure you clean and maintain your personal PPE and do not loan any item out to other staff.
8. Disposable PPE, paper towels, and similar waste must be deposited in non-touch waste bins.
9. Do not cough or sneeze into your hand; rather, direct coughs and sneezes into the crook of your arm at your elbow; follow established CDC guidelines.
10. Workers should change work clothes and shoes prior to arriving at home. All clothing should not be shook out. Launder work clothes separate from other laundry.