



April 14, 2020

To: **Alameda County Board of Supervisors:**
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Re: Dialogue Regarding “Essential Infrastructure” Determinations in County COVID-19 Orders

Dear Alameda County Board of Supervisors:

As we enter the 5th week of our Shelter-in-Place orders and protocols, we first and foremost hope that you, your families, and your constituents are safe and well. As we have mentioned in previous correspondences, we laud your leadership in supporting the Counties’ Orders that have prevented the significant spread of the virus and saved many lives. While the orders at first seemed draconian, the evidence is now showing that these aggressive steps have prevented the Bay Area from becoming a “hot spot” as is the case in other parts of the Country, where officials delayed in responding.

Our members, as all residents in the Bay Area, understand and appreciate the County’s decisions and are fully on board to make the necessary sacrifices to save lives and halt the spread of the pandemic. However, the longer these strict orders remain in place, our members and all working people who are unable to “work-at-home”, will be impacted disproportionately from other professionals who have the resources and the means to endure for much longer. While your decisions should be based primarily on the safety of all the County’s residents, we believe that an informed risk analysis should be occurring in those affected economic and industrial sectors with a goal of safely allowing more work to resume.

The construction sector is an industry that is safely prepared for a lifting of some of the restrictions, especially those that were identified in the second order of March 30th. We believe this for the following three reasons. First, by quickly implementing safety protocols, our contractors have demonstrated that the work can be done safely on construction job sites without risking the spread of infection to both the workers on the site and the general public. Second, much of the construction work that was not deemed “essential” in the second order if prolonged will have significant negative impacts on the health and safety of the area’s residents. Finally, as the curve “flattens”, we need to see what industries can be quickly and safely resumed to jumpstart the economy back to life, and we are convinced that construction is one of those industries.

No one knows better the capabilities and safety-oriented culture of the construction workforce than the Building and Construction Trades Councils. We stand ready to provide verifiable data and commitments concerning the construction industry response to the health crisis so that elected and appointed officials are making the most informed decisions. We ask that you act as an intermediary to ensure that our issues are being seriously considered by County Health Officials.

During this epidemic employee safety has been the primary concern of our Affiliates and their Signatory Contractors. Early on the State Building and Construction Trades Council put out information regarding safe jobsites during the epidemic that was adopted by the Industry. In fact, both the United Contractors Association and the Construction Employers Association (representing horizontal and vertical union contractors) came out with strict

guidelines for their contractors to follow. We have summarized these union industry practices in the “Plan for Safe Construction During the COVID -19 Health Crisis” (attached). In addition, the City and County of San Francisco has also issued a directive on construction jobsite safety, which has served as a model for all local enforcement (attached). We strongly believe that these directives when adhered to will minimize the spread of the virus to both the workers on the jobsite and the general public.

In regard to our industry using Personal Protective Equipment (PPE) that front line health care workers need (based on our outreach to our Affiliates) we have determined that virtually all construction industry PPEs are markedly different from health care PPEs. The only overlap was N95 masks, which were of limited use on the construction sites, and many of these masks were donated early on by contractors to health facilities.

While we understand the concerns that led to the second order limiting construction even further, we also know that the Counties were also very concerned with the pre-existing emergency of housing in the Bay Area. For this reason, the second Order exempted housing construction that had at least 10% income restricted units. Using the same rationale, we recommend you to immediately exempt all housing from the Order for the following reasons. First, we can only address the acute housing shortage through the construction of all housing, but especially that of high-density residential development. Also, many cities in the Bay Area have alternate methods of market subsidies, such as in-lieu fees, for the financing of affordable housing that rely on the construction of market rate housing construction. For this reason, the City of Oakland has broadly interpreted the Order to allow construction to continue that is financing the construction of affordable housing. Finally, during the last housing crisis, we lost a large percentage of our employee and contractor base that took the better of ten years to replace. If we lose those again, our region will suffer from higher costs and slower timeframes in which to build housing.

We also strongly believe that the above-mentioned safety provisions can and should be applied to all construction jobsites as a condition of remaining open or reopening. Once these safety protocols are required, the Bay Area should adopt the Governors public safety orders covering construction.

Commercial and housing construction will be essential to get our economy going once we have overcome the initial threat of the pandemic. In fact, real estate and construction play a massive role in tax revenue that will be desperately needed by cities and counties for public health expenses, among other things. In addition, the construction industry employs tens of thousands of people in the Bay Area with good middle-class employment, with a high proportion of people of color. Finally, the multiplier effects of construction are well documented and will be essential for our economic recovery in the Bay Area.

We respectfully request that you take these issues to heart as you make your decisions, and that you consider us a partner in those decisions. While we will always respect your decisions, failure to engage with industry partners around the issues relating to construction, may lead to unnecessary and unforeseen consequences.

Thank you for your attention, and we are always available for any questions or follow-up.

Sincerely,

Andreas Cluver

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