March 22, 2020

Dear Elected Officials:

Thank you for your efforts during this current public health crisis. We recognize and sincerely appreciate your leadership and the work of your staff and those who are spending every hour to keep Texans safe during this time. Members of the Texas construction industry are committed to the health, safety and welfare of our workforce and the public. The undersigned organizations represent many of the general contractors, specialty contractors and suppliers that employ the more than 795,000 Texans who work in the construction industry.

We are writing today to request that in the event you determine that it is in the best interest of your community to issue a "Shelter in Place"-type order, all construction services should be deemed essential services and exempt from such an order. Shutting down construction companies means shutting down a mobilized, skilled workforce with access to materials, equipment and supply chains that can respond to hospital systems, grocery stores, food production facilities, housing, critical infrastructure, and other essential operations that are absolutely necessary during this time. Additionally, our workforce must remain intact for us to continue natural disaster clean up areas and be ready to answer the call for help in the wake of any future natural disasters.

As counties and cities have issued orders, the construction industry has faced confusion around whether they are able to continue their important work consistent with/or pursuant to CDC and OSHA guidance. Explicit exemptions for commercial and residential construction are needed to continue critical infrastructure projects. As you continue your work, we ask that you consider adopting specific language that allows our contractors to support their communities during these uncertain times. The suggested language is that used by Dallas County and substantially similar to that used by the governors of Illinois, California, Ohio and New Jersey.

> *For the purposes of this Order, individuals may leave their residence to provide any supplies, services, or perform any work necessary to the operations and maintenance of "Essential Critical Infrastructure". Essential Critical Infrastructure work is work necessary to the operations and maintenance of the 16*

> *critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) including public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), financial institutions, defense and national security-related operations, essential manufacturing operations provided that they carry out those services or that work in compliance with social distancing requirements of six feet, to the extent possible. Essential Businesses providing essential infrastructure should implement screening precautions to protect employees and all activity shall be performed in compliance with social distancing guidelines.*

Our associations have encouraged all of our members to implement strict measures for the safety of their workers and the public during this pandemic. We've distributed OSHA 3990-03 guidance on preparing the workplace in light of COVID-19 and encouraged worker education. With the low risk nature of construction jobsites contributing to the spread of the virus (jobsites are controlled environments and are not open to the public) and the existing heavy emphasis on safety in our industry to implement protections for workers and the public, we urge you to recognize construction as essential services that should be continued during this time.

Sincerely,

Will McAdams, President
Associated Builders & Contractors of Texas

Jennifer Woodard, Executive Vice President
AGC of Texas – Highway, Heavy, Utilities & Industrial Branch

Corbin Van Arsdale, President
AGC of Texas – Building Branch

Scott Norman, Executive Director
Texas Association of Builders

Raymond Risk, President
Texas Construction Association