



March 19, 2020

The Honorable Gavin Newsom
Governor of California
State Capitol
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Sacramento, CA 95814

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Re: California Construction Industry and COVID-19

Dear Governor Newsom,

On behalf of the Associated General Contractors of California (AGC), let us first thank you for your leadership in confronting the COVID-19 epidemic facing California. Your recent executive orders and continued work will certainly aid in “flattening the curve” of infection.

On March 19, you issued Executive Order N-33-20 (EO) in conjunction with the Public Health Officer ordering “all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operation of the federal critical infrastructure sectors...”

The construction industry is vital to the success of California and critical to the resiliency of the state and its people. Pursuant to the guidance issued today by the Department of Homeland Security, Cybersecurity and Infrastructure Security Agency (CISA), the construction industry’s role in building, maintaining, and enhancing our infrastructure is paramount to the state’s ability to return to any sense of normalcy. Our contractors know the important role they must play in supporting the state and our nation in these trying times.

To date, as counties have issued exemptions and guidance around similar orders, the construction industry has faced confusion around whether they are able to continue their important work consistent with/or/ pursuant to CISA guidance. As your administration continues to define exemptions, we ask that you consider adopting specific language that allows our contractors to support the state during these uncertain times. Bringing certainty and providing some normalcy allows us to support your efforts in leading our state through this health crisis.

In many of the existing ordinances at the county level, the use of “...any work necessary...public works construction,...” and “not limited to,” has resulted in confusion. Explicit exemptions for commercial construction are needed to continue critical infrastructure projects such as ongoing construction of schools, hospitals and businesses which could result in significant disruptions for the essential services, or work that is required due to a disaster, such as clearing out building damages due to fire. Further, the abandonment of some active construction sites in an effort to send crews home may in and of itself create an unnecessary public health threat.

Below you will find our recommendations to remedy this issue.

“For 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 Infrastructure”, including, but not limited to all active construction job sites, public works construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), hospitals and medical service buildings, education and education support facilities, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, flood control and water conservation, 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), and emergency repair construction, provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.”

As local government agencies seek to comply with the EO, significant challenges may arise with access to permitting and inspection services to maintain project progress, as well as a lack of clarity on who to contact in local government agencies for clarity on the importance of a project.

We ask that future local directives are informed by uniform California Department of Public Health (CDPH) language as suggested above. Additionally, we would ask that future CDPH directives ask each municipality to designate appropriate local officials from the public health department, planning, and building departments to assist with permitting and inspections. By designating officials and providing contact information, construction firms can continue work on important construction jobs and ensure they have access to the county inspectors and permit authorities necessary to maintain progress.

Our AGC members appreciate the gravity of the situation and understand the actions taken in your EO. With the low risk nature of construction related to the virus and our heavy emphasis on worker safety in our industry, we urge you to recognize construction as essential services that should be continued during this time in support of our state’s resiliency efforts.

Sincerely,



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