

CONSTRUCTION INDUSTRY SAFETY COALITION

June 2, 2020

The Honorable Lamar Alexander
Chairman
Committee on Health, Education,
Labor and Pensions
United States Senate
Washington, DC 20510

The Honorable Patty Murray
Ranking Member
Committee on Health, Education,
Labor and Pensions
United States Senate
Washington, DC 20510

Dear Chairman Alexander and Ranking Member Murray:

We write on behalf of the Construction Industry Safety Coalition (CISC) to express our concern for proposals to compel the Occupational Safety and Health Administration (OSHA) to issue an emergency temporary standard in response to the COVID-19 pandemic.

The CISC is comprised of trade associations representing businesses performing construction work in the commercial, residential, and industrial sectors and frequently provides comment and expertise on OSHA regulatory initiatives. The CISC speaks for small, medium, and large contractors; general contractors; subcontractors; and union contractors alike.

The CISC recognizes the potential hazards of COVID-19 and strongly believes that employers should take steps to ensure that employees are protected. Our industry continues to adhere to public health guidelines set forth by OSHA and the Centers for Disease Control (CDC) for safely operating during the pandemic. A large majority of construction job tasks further fall within OSHA's Lower Exposure Risk tier in its occupational risk guidance for COVID-19 as they entail minimal contact with the public and other workers.

As a proactive measure, early in the pandemic the CISC developed and distributed comprehensive materials to our member companies for communicating proper safety, distancing, and disinfecting measures to workers on the job site to reduce the risk of exposure. This includes a Coronavirus Preparedness and Response Plan for Construction and customizable blueprint for construction businesses to use in establishing worksite safety protocols. Additionally, our coalition member groups independently hosted safety stand-downs on COVID-19 throughout the month of April, providing employers with communications and safety procedures in both English and Spanish.

We are greatly concerned by proposals such as H.R. 6559, the *COVID-19 Protect Every Worker Act* that would compel OSHA to issue an emergency temporary standard and subsequent permanent standard for infectious diseases. This bill, and similar language adopted in the House-passed *Heroes Act*, puts the cart before the horse, mandating the issuance of a new standard before OSHA has had the opportunity collect and analyze data on the prevalence of workplace exposure to and contraction of COVID-19.

Government guidance is rapidly changing as the pandemic continues and medical understanding of how the novel coronavirus spreads and can be mitigated evolves. As Loren Sweatt, Principal Deputy Assistant Secretary for OSHA, and Dr. John Howard, Director of the National Institute

for Occupational Safety and Health, testified before the House Workforce Protections Subcommittee on May 28, 2020, the CDC updates its guidance on a weekly, sometimes daily, basis. Given the everchanging situation regarding COVID-19, an emergency temporary standard would quickly stagnate—helping neither employees nor employers—as more information on the risk of on-the-job exposure becomes available and recommendations for best practices are amended. Prematurely issuing one-size-fits-all regulations for all workspaces regardless of risk is therefore not the best approach in an emerging health crisis nor the best use of OSHA’s overextended resources. We believe the agency’s current approach of issuing and updating industry-specific guidance takes into consideration the fluid nature of the situation and offers a more nimble approach to ensure the regulated community is provided with the most up to date information.

As the Senate works to identify priorities for inclusion in its own coronavirus recovery package, the undersigned members of the CISC urge you to ensure OSHA, the CDC, and all other appropriate agency stakeholders first work together to assess the extent to which COVID-19 presents a risk in various workplaces before taking any action, including, if necessary, issuance of any infectious disease standard.

Sincerely,

American Road & Transportation Builders Association
American Society of Concrete Contractors
American Subcontractors Association
Associated Builders and Contractors
Associated General Contractors
Association of the Wall and Ceiling Industry
Concrete Sawing & Drilling Association
Construction & Demolition Recycling Association
Distribution Contractors Association
Independent Electrical Contractors
Interlocking Concrete Pavement Institute
Leading Builders of America
Mason Contractors Association of America
National Asphalt Pavement Association
National Association of Home Builders
National Roofing Contractors Association
National Utility Contractors Association
Natural Stone Council
Natural Stone Institute
The Association of Union Constructors
Tile Roofing Industry Alliance

CC: Senate Committee on Appropriations