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March 20, 2020

Via Email (bill.lee@tn.gov) and U.S. Mail

Honorable Governor Bill Lee
1st Floor, State Capitol
600 Dr. Martin L. King, Jr. Blvd.
Nashville, TN 37243

Dear Governor Lee,

The 214 member companies of the Associated Builders & Contractors of West Tennessee (“ABC”) are concerned about potential government mandated closures of businesses, particularly construction industry businesses, deeming them non-essential or not “life sustaining” as declared by Pennsylvania Governor Tom Wolf recently. We believe such action shows a lack of understanding of construction industry businesses and the vital role they play. Governor Gavin Newsom of California rightfully determined that construction industry companies are essential businesses and excluded them from his business closure order. If Tennessee decides to join the growing list of states mandating business closures, ABC would respectfully request that it take an enlightened approach recognizing the essential nature of construction industry businesses.

Such an approach is consistent with guidelines published by the federal government’s Cybersecurity and Infrastructure Security Agency (CISA), part of the Office of Homeland Security. CISA has released guidance designed to help state and local jurisdictions and the private sector identify and manage their essential workforce while responding to COVID-19. This guidance states that the following workers are essential, “workers who conduct a range of operations and services that are essential to continued critical infrastructure viability, including staffing operations centers, maintaining and repairing critical infrastructure, operating call centers, working construction, and performing management functions, among others. The industries they support represent, but are not necessarily limited to, medical and healthcare, telecommunications, information technology systems, defense, food and agriculture, transportation and logistics, energy, water and wastewater, law enforcement, and public works.” CISA goes on to state that “workers such as plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences” are essential.

ABC and its member companies understand the need to work and operate safely. Local construction companies, like other businesses across the country, are taking steps to ensure the

Honorable Governor Bill Lee

March 20, 2010

2 | Page

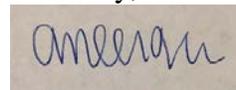
safety and health of their employees in the face of the COVID-19 outbreak, including following guidelines suggested by the CDC. Construction workers commonly wear personal protective equipment, including gloves, face shields and masks, which help protect them and their co-workers from many construction-related health hazards. By the nature of the construction industry, its employees typically work a safe distance from each other to allow sufficient social distancing. These same protective measures, coupled with new steps as suggested by the CDC will provide an additional barrier to COVID-19 not normally adopted in other work environments.

Many industries that ABC construction members serve are engaged in essential activities and need the assistance of ABC companies to be able to effectively carry out their functions. Construction industry employers and their employees continue to perform work on hospitals and medical facilities, assist in constructing temporary facilities needed to assist with the Coronavirus outbreak – some of which may not be medical facilities – such as additional warehouse space for medical supplies and equipment. Additionally, construction industry employers and their employees will be needed to respond to emergency issues such as repairing heat & air conditioning equipment, temperature regulated storage facilities, roof repairs, plumbing issues, power outages, repairing equipment, etc. Construction industry employers continue to add capacity in the commercial sector and residential sector, virtually all of which are time sensitive. Shutting down these construction functions will harm these other industries and the communities that we all serve.

To the extent your office is considering any type of order requiring the closure of businesses, ABC would ask that construction industry employers be deemed essential like that done in California and consistent with CISA guidelines.

Thank you for your attention to this matter and your excellent leadership of our State.

Sincerely,



Amber Harris, President
Associated Builders & Contractors of West Tennessee



Rick Bennett, General Counsel
Associated Builders & Contractors of West Tennessee

Cc: Blake Harris (via email only)
John Farris (via email only)
Board of Directors, West Tennessee ABC (via email only)