



**Written Testimony of the
Associated Builders and Contractors of Pennsylvania
before a joint hearing of the
Senate Community, Economic and Recreational Development Committee and the
Senate Veterans Affairs and Emergency Preparedness Committee on the
“COVID-19 Response and Impacts”**

Harrisburg, Pennsylvania
April 23, 2020

Chairman Tom Killion, Chairwoman Lindsay Williams, Chairman Mike Regan, Chairwoman Pam Iovino, and members of the joint committees.

On behalf of the Associated Builders and Contractors of Pennsylvania (ABC Pennsylvania), thank you for the opportunity to provide written testimony on the Administration’s coronavirus (COVID-19) response and the impact on our membership.

ABC Pennsylvania is comprised of five regional chapters, representing nearly 1,400 member companies and approximately 67,000 employees. We are a volunteer-led membership association that represents contractors, suppliers, and industry professionals within the merit shop construction industry, comprised primarily of firms that perform work in the industrial and commercial sectors.

COVID-19 has impacted every facet of our lives. Throughout the pandemic, ABC Pennsylvania has been supportive of state and federal guidelines to prevent the spread of this contagious virus. We are in full agreement that public safety is paramount, and measures must be taken to mitigate any pressure on the health care system. In fact, our members have been quick to incorporate additional guidance from the Centers for Disease Control and Prevention (CDC) because we are experienced in following the many health and safety measures enforced by the Occupational Safety and Health Administration (OSHA). The construction industry is positioned to incorporate safety guidance and is why 44 other states have allowed construction work to continue under “stay home” orders.

In a time of so much uncertainty, our members are desperate for clear direction on governmental decisions and processes. With respect to the waivers, some of our members received waivers, many did not, and others are still waiting for a response. The ABC Pennsylvania members who are deemed essential or were granted waivers must follow COVID-19 social distancing, mitigation, and cleaning protocols as a condition to operate. ABC Pennsylvania members that were denied waivers or shut down through the order are left wondering why they are not afforded the same opportunity as their competitors. As an association, we took a position that any businesses should be provided with an equitable opportunity to operate if they are able to successfully implement COVID-19 safety protocols.

On April 22, 2020, Governor Wolf announced that private and public construction projects will be permitted to resume on Friday, May 1, 2020. We are grateful for this news. In order to assist our members that may need resources on how to restart safely, ABC Pennsylvania created a COVID-19 Construction Safety Task Force to provide guidance, best practices, and standards for the construction industry to incorporate into their safety plans. The task force members include experienced safety experts across all five ABC Pennsylvania chapters who have generously shared their collective resources aimed to protect employees and jobsites from COVID-19.

We have encouraged the Administration to use this report as it prepares guidance for the construction industry. The report, entitled, *Keeping Workers Safe: Guidelines for the Construction Industry to Address Worker Health and Jobsite Safety in Response to COVID-19*, has been included with this testimony.

This hearing, in part, is meant to listen to the concerns from the business community as they navigate through the COVID-19 response. In that regard, the testimonials provided below are just a few examples of the stories we hear every day:

ABC Central Pennsylvania Chapter:

An ABC member in Snyder County writes: “The construction business only has nine months to make what other businesses have all year to make! Our crews work outside, not even near each other. So many small businesses are tied to each other in construction. This order will have repercussions that small business will not recover from!”

ABC Cumberland Valley Chapter:

An ABC Member in Franklin County writes: “The Pennsylvania shutdown has affected us with the delay of a large project in Chambersburg and the delay of a hotel project in Carlisle. These projects could certainly begin due to the ability to socially distance while doing the work, but the site contractors are shuttered. We have had to lay off eight employees due to lack of work.”

ABC Eastern Pennsylvania Chapter

An ABC member in Delaware County writes: “I own a custom cabinet and millwork shop. Because we are shut down, we cannot fabricate or deliver any products to jobs outside Pennsylvania, or to hospital renovation jobs that received waivers to remain open. This will force the general contractor to look elsewhere to find suppliers who can deliver products while we remain closed.”

ABC Keystone Chapter:

An ABC member in Lancaster County writes: “Our business had to do the unimaginable and lay off 230 employees and friends. We are a heavy civil excavating and paving company currently working on essential projects. The short timeframe to close a construction business down was unrealistic, unfair, and unsafe! We have many projects with incomplete trenches, holes, and basins that are not fully constructed, which could cause safety and erosion issues.”

ABC Western Pennsylvania Chapter:

An ABC member in Pittsburgh writes: “On Saturday, March 21, 2020, I filed a waiver to the state to allow one of my jobsites to continue with construction. The jobsite was an affordable supportive housing project that we are building for non-profit developer, Action Housing. I worked closely with some key executives at Action Housing and they filed a waiver of their own for the same project. We emphasized that supportive housing is “life essential.” Furthermore, this project is still in the dirt phase. We were requesting permission to continue with excavation, installation of site retaining walls, and installation of concrete footers. We explained that all the work to be done was outside. We also had planned to limit the number of workers on site to a maximum of ten employees and the six-foot social distancing requirements would have been easy to maintain. All employees would have been equipped with the required PPE, etc.

On Monday, March 23, 2020, my waiver request was officially denied by the state with no explanation as to why. Action Housing received their denial later that same day. In my opinion, there was no good reason for us not being allowed to continue with that project especially, as we could have easily adhered to all the CDC recommended guidelines. I know that several other assisted living projects were granted waivers and I do not feel that supportive housing is that much different.”

ABC Pennsylvania appreciates the opportunity to provide testimonials from the commercial construction industry. We have consistently extended an open invitation to partner with Governor Wolf, the legislature, and industry partners on ways to implement strong, reasonable, and practical safety standards. We welcome these conversations.

Thank you again for the opportunity to present this statement to the joint committees.

Submitted by:

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Associated Builders and Contractors of Pennsylvania

Enclosure: ABC Pennsylvania’s COVID-19 Construction Safety Task Force Report