



MEMORANDUM

Date: March 25, 2020

To: Chuck Poss, SCCA Legislative Committee Chair
SCCA Legislative Committee

From: Todd Bloomstine, Bloomstine & Bloomstine LLC

Regarding: California COVID-19 Emergency Memo #8

The intent of this memo is to provide you with an update of COVID-19 significant events by the state and federal governments. Blue text have embedded links that will take you to source documents such as the president and governor's executive orders. Be sure to view www.covid19.ca.gov for the latest California guidance.

This memo is a continuation of the memo I sent on March 22. There have only been a handful of significant activities worth mentioning over the last several days. I address some of them below. It seems we have entered a “stay the course” period as our state and nation address the COVID-19 pandemic.

It is probably worth a quick review on how arrived at the state's current affairs as it relates to the construction industry. Governor Newsom signed a [March 4 proclamation](#) declaring a state of emergency due to the COVID-19 pandemic. The emergency declaration triggered the [California Emergency Services Act](#) giving the governor the ability to suspend regulations and statutes that may, in any way, prevent, hinder or delay the mitigation of the effects of the emergency.¹ The act applies to all cities and counties.² On March 19 the governor signed [Executive Order N-33-20](#) directing all residents to stay at their homes or place of residence unless explicitly exempted as working in an essential industry. After brief confusion, the governor [clarified that construction is an essential industry](#) and is exempted from the stay at home order. All Californians, including those “essential” workers, are ordered to practice “social distancing” in order to slow the transmission of the virus.

The focus of these memos is to report on official actions at the state and federal level. When applicable and helpful, I'll also report on industry actions as well.

¹ Government Code Section 8571

² Government Code Section 8568

COVID-19 STATISTICS

The figures listed below are current as of noon on Wednesday, March 25 according to the *Los Angeles Times*. The site can be viewed [by clicking here](#).

COVID-19 CASES			
Entity	Confirmed Cases	Deaths	Population
California	2,663	58	40 million
United States	53,740	706	350 million
World	418,678	18,625	7.7 billion

UPDATE ON FEDERAL ACTIVITIES

[President Signs Executive Order to Prevent Hoarding](#) — March 23, 2020. President Trump signed an order to prevent the hoarding of health and medical resources.

[ARTBA Provides Centralized Resources](#) — March 25, 2020. SCCA's partner at the federal level, the American Road & Transportation Builders Association, has compiled a variety of federal resources on their website. Click the link at the beginning of this paragraph to view it. They will likely provide information on federal legislation as well.

UPDATE ON CALIFORNIA ACTIVITIES

[Governor clarifies "Construction Supplier" as Essential](#) — March 22, 2020. The governor clarified that workers who support construction material suppliers are deemed essential.

[Governor's Request for Major Disaster Declaration is Immediately Approved](#) — March 22, 2020. President Trump immediately approved Governor Newsom's request to declare a major disaster in California as a result of the COVID-19 pandemic.

[Governor Hosts Several Facebook Live Discussions](#) — March 24, 2020. The governor has hosted several briefings on Facebook over the last several days. His announcements provide an update on the state's efforts to quell the spread of COVID-19. He's discussed the projected shortages of hospital beds and equipment. He's recently disclosed that the state has received 114,000 unemployment daily insurance claims on rolling average over the last week. The normal amount is 2,500.

[Governor Signs Executive Order on Prisoners, Parole Hearings](#) — March 24, 2020. Governor Newsom signed an executive order to halt the intake of inmates into the state prison system. Prisoners will be held in county jails for 30 days. A similar order was made for juveniles. The order also encouraged the use of teleconferencing and videoconferencing for certain Penal Code related hearings. These efforts are designed to slow COVID-19's infection rate.

[CSLB Encourages Contractors to Donate Masks](#) — The CSLB encouraged contractors that might have a surplus of masks and other personal protective equipment stored for construction projects to donate them

for medical use. Click the link at the beginning of this paragraph to download their bulletin and to learn how to make a donation.

[DIR Responds to SCCA/Industry Request](#) — March 23, 2020. Douglas Parker, Chief of Cal/OSHA, responded to a joint industry letter regarding the recordability of a COVID-19 infection on an employer's DOL Form 300 document. Here's the reply:

Thank you for your letter. You are correct that an exposure must be occupational and it must fit the criteria for a reportable illness under our regulations to be reportable. Those changed in February to include, among other things, injuries and illnesses that require hospital admission regardless of length of time. The construction industry is not covered by Section 5199, the ATD Standard. While we do have authority to designate additional industries as subject to the standard, there are no plans to do so at this time.

We are currently attempting to respond to a number of requests for guidance, and in the near future will post more specific guidance on our website regarding reporting that will hopefully answer your more detailed questions. I appreciate that there are compliance questions and challenges in these circumstances.

In the interim I encourage your members to visit our webpage and review the general industry guidance (which in this context includes construction) and the links to CDC guidance on protecting workers from coronavirus.

[Courthouse Closures](#) — March 23, 2020. California Chief Justice Tani Cantil-Sakauye has suspended and continued all Superior Court jury trials for 60 days. The Consumer Attorneys of California maintains a list of courthouse closures. You can access it by clicking the link at the beginning of this paragraph.

[CA Department of Finance \(DOF\) "Workload Budget"](#) — March 24, 2020. The governor's DOF released a letter to state department leaders indicating the upcoming budget will be on a workload basis. This means the state will not expand or create new state programs but will work to keep spending at current levels. State revenues are expected to decline precipitously due to significantly reduced capital gains and income tax revenues. Using the Great Recession as an indicator, capital gains revenue to the state will be reduced as much as 6.5% per year, equating to a lost of about \$10 billion annually to the state. This will put massive pressure on state spending.

SCCA AND SCCA MEMBER, OTHER RESOURCES

[Construction Industry Safety Coalition \(CISC\) Request](#) — March 23, 2020. The CISC, consisting of several construction trade associations at the federal level, provided several alternatives to requiring COVID-19 worker infections on OSHA's form 300 in a letter to the US Department of Labor.

[Laborers Health and Safety Fund Release Guidance](#) — March 25, 2020. The Laborers sent out guidance on mitigation efforts to stop the spread of COVID-19. SCCA forwarded this document to its members.

[DigAlert Sees Little Change in Requests](#) — March 24, 2020. DigAlert is reporting that locate and mark requests are only eight percent lower than at this time last month. This is an indicator that construction work is continuing despite the COVID-19 pandemic.

HOW TO HELP

Chuck Poss
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Please forward any challenges you or SCCA members experience in this emergency so we can record them and forward them to policymakers.