



BUILDWITHSTRENGTH.COM

MAY 2020

MONTHLY ACTIVITY REPORT

CONSTRUCTION IS ESSENTIAL

Build With Strength has launched a new advocacy effort and webpage, [Construction Is Essential](#).

As a safety measure to respond to the COVID-19 pandemic, a majority of state governments, and some local governments, have issued executive orders that close or limit the activities of “non-essential” business and services, defining a list of businesses across sectors as “essential” services. Construction Is Essential makes the case to states and municipalities for construction as one of the most economically critical and lowest-risk industries that should be designated “essential” throughout the COVID-19 pandemic and response.

- Infrastructure is essential to the economy. Action to close construction sites will hinder the industry’s ability to sustain itself and the greater economy during this crisis.
- Concrete is essential. When a natural disaster or infrastructure issue strikes, such as a bridge collapse or water main break, concrete is the only material that can restore order. Concrete plants can’t be restored quickly once shut down, so it’s important to keep them running.
- Safety is our top priority. Construction sites are a unique workplace with their own levels of “social distancing” built in. Many workers are segregated completely or separated by large distances. Access to jobsites is under strict control and monitoring. The CDC and OSHA have recommended extra precautionary guidelines to address COVID-19.

More Resources

[State Responses to COVID-19 Database](#): Real-time updates on which states have deemed construction an essential service, and which have reopened to a stage where construction work can resume.

[FiscalNote Coronavirus Updates and Resource Center](#): The latest updates on COVID-19.



Letters to State Governors

Build With Strength and state affiliates have written letters to the state governors, advocating for construction to be declared an essential service. This is an ongoing effort that will continue as more states respond to COVID-19. As of May 31st, 2020, of the 28 states that received letters (including the District of Columbia and Puerto Rico), 26 have declared construction an essential service.

The list below includes each state that received a letter from Build With Strength and state affiliates, and information on whether construction had subsequently been declared essential.

| STATE | IS CONSTRUCTION ESSENTIAL? | STATE | IS CONSTRUCTION ESSENTIAL? |
|---|---|----------------|---|
| Alabama | YES (Letter to Gov. Ivey) | North Dakota | YES (Letter to Gov. Burgum) |
| Arizona | YES (Letter to Gov. Ducey) | Oklahoma | YES (Letter to Gov. Stitt) |
| Arkansas | YES (Letter to Gov. Hutchinson) | Pennsylvania | Limited construction: Letter to Gov. Wolf |
| California | YES (Letter to Gov. Newsom) | Puerto Rico | YES (Letter to Gov. Garced) |
| Colorado | YES (Letter to Gov. Polis) | South Carolina | YES (Letter to Gov. McMaster) |
| Georgia | YES (Letter to Gov. Kemp) | South Dakota | YES (Letter to Gov. Noem) |
| Illinois | YES (Letter to Gov. Pritzker) | Tennessee | YES (Letter to Gov. Lee) |
| Iowa | YES (Letter to Gov. Reynolds) | Texas | YES (Letter to Gov. Abbot) |
| Kentucky | YES (Letter to Gov. Beshear) | Utah | YES (Letter to Gov. Herbert) |
| Maryland | YES (Letter to Gov. Hogan) | Virginia | YES (Letter to Gov. Northam) |
| Michigan | YES (Letter to Gov. Whitmer) | Washington | Limited construction: Letters to Gov. Inslee from WACA and WCIC |
| Minnesota | YES (Letter to Gov. Walz) | West Virginia | YES (Letter to Gov. Justice) |
| Mississippi | YES (Letter to Gov. Reeves) | Wisconsin | YES (Letter to Gov. Evers) |
| Nebraska | YES (Letter to Gov. Ricketts) | | |
| North Carolina | YES (Letter to Gov. Cooper) | | |
| | | | |
| TOTAL CONSTRUCTION IS ESSENTIAL DECLARATIONS INFLUENCED: 26 | | | |

This is not a comprehensive list of states where construction is currently allowed to continue. That information is affected by inclusion of construction as an essential service, as well as states' reopening plans that are currently underway. For that information, see our [State Responses to COVID-19 resource](#).

STOPPING WOOD THROUGH BUILDING CODE ADVOCACY

NEW JERSEY (STATEWIDE) | MASSACHUSETTS (STATEWIDE) PHILADELPHIA, PA | LOS ANGELES, CA

Model Code language

This model code would affect multi-residential structures built with light-frame wood, defined as:

- Light-frame: Vertical, horizontal, and/or load-bearing elements are primarily made from combustible materials, including all wood truss and joist construction.
- Multi-residential: R-occupancy structures containing more than two sleeping or dwelling units. This covers apartments, hotels, and multi-use buildings with residential units, etc.
- Single-family dwellings and townhouses are exempt, where townhouses are defined as three or more adjacent but separated units, which extend foundation-to-roof and are open on at least two sides each.

Proposed Model Code Language:

- Height and story limits.
- Unprotected framing: 3 stories or 60 feet.
- Protected framing: 4 stories or 70 feet.
- Story height must be measured from grade plane. This means the use of non-combustible pedestals/podiums on otherwise combustible buildings no longer allows them to go above height limits for their materials
- NFPA 13 Sprinkler Protection. This is an upgrade from the current requirement for NFPA 13-R (residential), which leaves concealed spaces (between walls, attics, etc.) unprotected.
- Fire partitions, horizontal assemblies, and fire walls. All must be non-combustible or fire-retardant treated wood. Fire partitions and horizontal assemblies must be rated at one hour of fire resistance, and fire walls must be rated at two hours.
- In structures with five or more sleeping/dwelling units, horizontal assemblies don't create separate structures for the purposes of height limits, area limits, continuity of firewalls, or construction type.

- Fire watch. From the beginning of construction to the installation of sprinklers and certificate of occupancy, whenever construction work is not underway. The developer or owner is responsible for hiring and training the fire watch warden to inspect, patrol, and report weekly on potential fire safety threats.
- Fire watch wardens can be active or retired firefighters, fire inspectors/marshals, building trades council members, police officers, first responders, code officials, or certified security guards.
- Signage indicating building material. An 8x11 white placard with large, bold letters must be displayed prominently within 10 feet of the entrance, with a description of the building material in this format: “Load-bearing light-framed combustible walls serve as the primary structural system of this structure”.

This measure is product-neutral, so other building materials would display appropriate descriptions, such as “load-bearing concrete walls,” structural steel frame,” or “fire-treated lumber”.



A COALITION OF THE NATIONAL READY MIXED CONCRETE ASSOCIATION

- The measure expands Fire District 1, which has the strongest fire safety regulations, to cover all areas within the city covered by the state of California’s Very High Fire Severity Zone, the city’s High Wind Velocity Zone, and population centers with a density of at least 5,000 residents per square mile.
- As in New Jersey and Philadelphia, our coalition has the support of the main building trades union groups. Recently, we have garnered the full support of the [Carpenters/Contractors Cooperation Committee \(statewide\)](#) and the [LA Building Trades](#) with outreach.
- The proposed ordinance has received support from many Build With Strength coalition partners representing Los Angeles’ diverse communities (press releases linked):
 - [Carpenters/Contractors Cooperation Committee](#)
 - [Los Angeles Civil Rights Association](#)
 - [Gloria Colazo, St. Jude Health Centers and El Salvador Chamber of Commerce](#)
 - [Churches In Action](#)
 - [Da’At Torah Jewish Education Center of Los Angeles](#)
 - [Southern California Hispanic Chamber of Commerce](#)
 - [HOPE – Helping Others Prosper Economically](#)
 - [CLUE – Clergy and Laity United for Economic Justice](#)
- On [December 3rd, 2019](#) the Los Angeles Planning and Land-Use Management (PLUM) committee voted 4-0 to pass the “[Building a Safer Los Angeles](#)” motion. Sponsored by Councilmembers Bob Blumenfield and Monica Rodriguez, the motion directs the Department of Building and Safety, Fire Department, City Attorney, and various stakeholders to work collaboratively to write an ordinance expanding Fire District 1. The Public Safety Committee will undertake the final version of the ordinance later this year.

[Build With Strength has issued a press release](#) with details of the committee vote, as has [Councilmember Blumenfield](#).

Latest Actions

- The council has taken a recess due to COVID-19, with official business expected to resume in May or June. In the meantime, work continues on the final version of the ordinance.



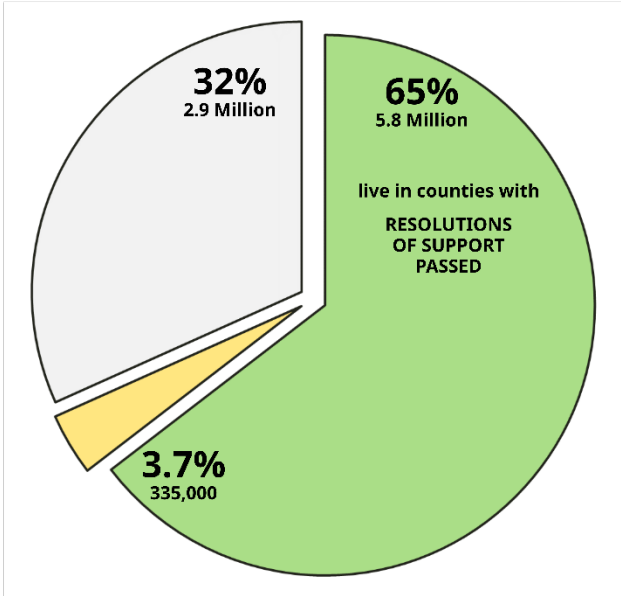
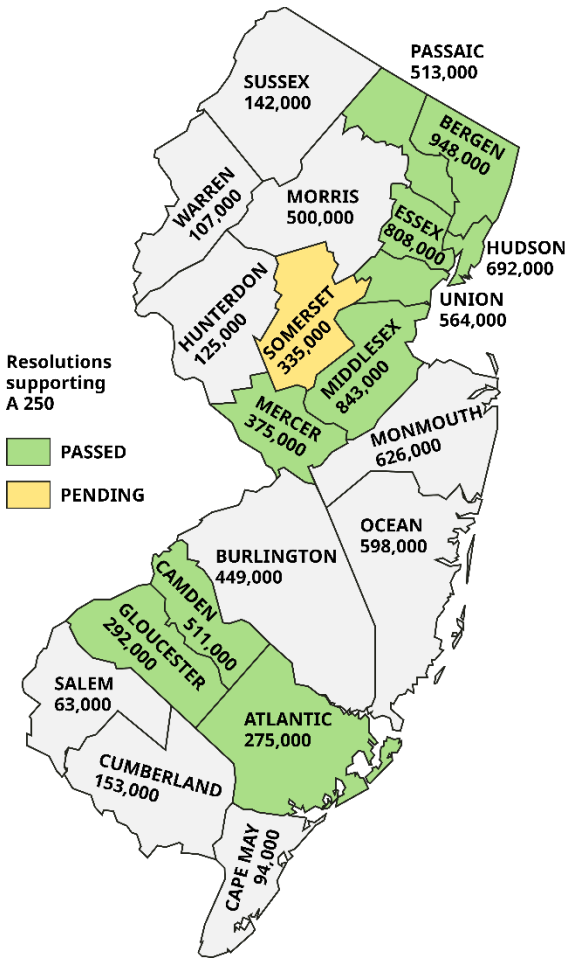
A COALITION OF THE NATIONAL READY MIXED CONCRETE ASSOCIATION

- Bill A 250 & S 2051 will amend the state code with our model code language. A Senate companion bill is expected to be introduced shortly. The bill reintroduces A 135 and S 1261 from the 2018-19 session. The bill has the public support of Senate President Steve Sweeney, Senate Majority Leader Loretta Weinberg, Assembly Speaker Craig Coughlin, and Deputy Speaker Wayne DeAngelo.
- All major building trades unions have now joined a Build With Strength coalition in support of the bills: contractors, carpenters, teamsters, bricklayers, IUPAT/painters, electrical workers, pipe- and sprinkler-fitters, and more.
- Resolutions of support for our legislation have been passed by 10 counties' boards of freeholders, representing 5.8 million people, equal to 65% of the population of New Jersey.
- See the Build With Strength [New Jersey webpage](#), highlighting news stories and analysis that support the need for comprehensive fire safety in the state.

Latest Actions

- The Somerset County Board of Freeholders is currently undertaking a resolution of support for bill A 250, which is expected to pass unanimously. Somerset County has 335,000 residents, which would bring total county-level support for these bills to nearly 70 percent of the state population (see following page). Build With Strength remains in communication with the Somerset County Board of Freeholders in order to resume work on this resolution when meetings resume.
- On March 16th, 2020, a companion bill, S 2051, was filed in the Senate. There are minor differences between the Assembly and Senate versions, but Build With Strength is confident that what results from the conference committee will be the preferred version of the bill.
- The New Jersey legislature is conducting remote voting sessions due to COVID-19. Legislative work continues in a limited capacity until the legislature's expected return in July.

NEW JERSEY SUPPORTS BILL A 250 FOR FIRE SAFE BUILDING



We anticipate the support of at least 11 counties, representing over 6 million people, equal to over 70% of the population of New Jersey

Resolutions of support passed for A 250:

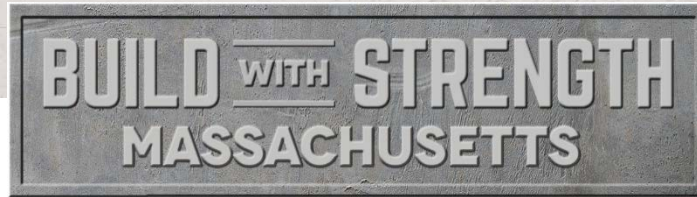
By counties:

- Atlantic
- Bergen
- Camden
- Essex
- Gloucester
- Hudson
- Mercer
- Middlesex
- Passaic
- Union

By cities:

- Edgewater Borough (in Bergen County)
- Maplewood Township (in Essex County)
- Wall Township (in Monmouth County)





- [Bill H 3844 and S 1799](#) will direct the Board of Building Regulations and Standards (BBRS) to amend the state code with our model language.
- As in New Jersey, Philadelphia, and Los Angeles, Build With Strength is pursuing a coalition-building strategy that includes building trades unions, fire fighter groups, community organizations representing Massachusetts residents, chambers of commerce, affordable housing groups, and social justice organizations.
- Massive fires have struck Massachusetts' wood residential buildings in recent years, including [the 264-unit Edison on the Charles apartment complex in Waltham](#), and [the 83-unit, \\$45 million Treadmark building in Dorchester](#). Both buildings burned in 2017 while under construction, while the unprotected framing of a wood building is especially vulnerable.
- See the Build With Strength [Massachusetts webpage](#), highlighting news stories and analysis that support the need for comprehensive fire safety in the Commonwealth.

Latest Actions

- The Joint Public Safety and Homeland Security Committee has unanimously passed both the House and Senate bills through their first reading vote.
- The Worcester City Council voted unanimously in support of this fire safety legislation on [March 17th, 2020](#). The resolution was championed by [State Representative Daniel Donahue](#), the primary sponsor of the HB 3844, who represents the Worcester area.
- The International Union of Operating Engineers (IUOE) Local 4, representing the Commonwealth of Massachusetts, has submitted letters of support for both bills in the House and Senate Ways and Means Committees.
- Regular engagement with coalition partners continues despite social distancing, via videoconferencing.



A COALITION OF THE NATIONAL READY MIXED CONCRETE ASSOCIATION

- An ordinance containing our model code language is planned for introduction in Philadelphia this year and supported by a broad-based coalition of building trades unions, community organizations representing Philadelphia residents, fire fighter groups, chambers of commerce, business associations, and affordable housing groups. This coalition includes the AFL/CIO, Philadelphia Building Trades Council, and Philadelphia Fire Fighters' and Paramedics' Union.
- Build With Strength is pursuing this ordinance in the form of a city-wide fire district with stricter fire safety regulations, similar to New York City, Chicago, and the proposed ordinance in Los Angeles.
- NRMCA staff has met with many city council members and secured their support for upcoming fire safety legislation.
- See the Build With Strength [Philadelphia webpage](#), highlighting news stories and analysis that support the need for comprehensive fire safety in the city.

Latest Actions

- Build With Strength is meeting with coalition partners to start a grassroots communications campaign with city council to pass an ordinance containing our model code language.

OTHER STATE LEGISLATION

| 28 WINS | 9 ONGOING EFFORTS | 0 LOSSES |
|--|-------------------------------------|-------------|
| 1 Opposed Bill Defeated | 8 Bills Supported 1 Bill Opposed | |
| 26 “Construction is Essential” Declarations | | |
| 1 Local Resolution (see p. 8) | | |

COLORADO – 1 bill

SB 20-159

Status: Held until 2021 session - **WIN**

Position: **OPPOSE** unless amended

Summary:

This bill would require contractors to develop facility-specific Environmental Product Declarations (EPDs) for building materials, including concrete, to participate in public project bids, and the global warming potential (GWP) calculated for each material would be required to meet a maximum limit based on an industry average. This is similar to “Buy Clean” legislation. See NRMCA.org for reasons Build With Strength opposes “Buy Clean”.

Build With Strength would seek significant amendments to the bill in order to support it.

Actions:

Build With Strength worked with the state affiliate to develop a testimony focusing on the bill’s major shortcomings. The bill was laid over (held) until the end of the 2020 legislative session, allowing time to work with the sponsors on a favorably amended version of the bill.

GEORGIA – 1 bill

HB 1015

Status: In 1st Chamber

Position: **SUPPORT**

Summary:

Under existing law, Georgia maintains a “carbon sequestration registry,” an optional registry for landowners and producers of crops or products that sequester atmospheric carbon. This by default includes all forest products. The registry is not used as the basis for subsidies, but may be in the future.

This bill amends that program by making “building materials” at large eligible for inclusion in the registry. This would allow concrete to compete with wood materials in this area, where it was previously not eligible. New technologies such as carbon mineralization allow carbon sequestration in concrete. A advisory committee created in the bill will establish technical details for sequestration reporting.

Actions:

The state affiliate provided guidance to the sponsor of the bill to encourage its introduction. Build With Strength and the state affiliate are prepared to support the bill in subsequent technical committees.

HAWAII – 2 bills

HB 1754 & SB 2128

Status: In 1st Chamber

Position: **SUPPORT**

Summary:

This bill would require homebuilders of 1- and 2-family homes to provide a state-developed cost estimate for installation and maintenance of a sprinkler system.

Actions:

Build With Strength submitted testimony in support of this bill to chairs of the House Committee on Intrastate Commerce and the House Committee on Consumer Protection & Commerce.

HB 1761 & SB 2135

Status: In 1st Chamber

Position: **SUPPORT**

Summary:

Existing law prevents any county government from adopting regulations that would require automatic fire sprinkler protection for one- and two-family homes. This bill would repeal that ban, allowing counties to pass regulations more stringent than the state code, requiring sprinklers in on- and two-family homes.

Actions:

Build With Strength submitted testimony in support of this bill to the chair of the House Committee on Consumer Protection & Commerce.

MAINE – 1 bill

LD 1280 (aka SP 400)

Status: Held until special session

Position: **OPPOSE**

Summary:

This act, titled the "Buy American and Build Maine Act," requires all public agencies' construction projects (including reconstruction and repair) to purchase cement, iron, and steel from US manufacturers. Wood is not included in the materials that must be US-made. Exceptions are allowed if materials are not available or if they would increase the cost by an unreasonable amount. In Maine, this harms local members, who source cement for their concrete from Canada.

The bill was carried over from Maine's 2019 legislative session. In March 2020, the Maine Legislature ruled to adjourn mid-April due to COVID-19, rather than continue the session through late June. The bill was carried over by a joint order to any future special session. However, it cannot be carried over to 2021, as the 129th Legislature ends in 2020.

Actions:

Build With Strength has notified the state affiliate to be ready for action if the bill moves forward.

MASSACHUSETTS – 2 bills

HB H 2123 & S 1396

Status: In 1st Chamber

Position: **SUPPORT**

Summary:

This bill creates the Building Code Coordinating Council (BCCC) under state law, with the authority to reject inconsistent or redundant code proposals from state code-making bodies. The BCCC currently exists under an executive order, and can only advise code-making bodies. This bill also orders the BCCC to create a code proposal and public comment process, which will also be subject to BCCC review.

Actions:

Build With Strength has notified the state affiliate to be ready for action if the bill moves forward.

S 2477

Status: In 1st Chamber

Position: **SUPPORT**

Summary:

This bill sets out a “next-gen climate policy,” setting emissions reduction targets for every 5 years, beginning in 2025 and ending in 2050, as well as creating programs to help the state achieve those emissions reduction targets. One of these programs is a “net-zero stretch energy code”. Within 1 year, the Department of Energy Resources, in consultation with the Board of Building Regulation and Standards (BBRS), must adopt the stretch code as an appendix to the state building code, which includes a definition of “net-zero building.”

In Massachusetts, municipalities cannot amend codes to be more stringent than the state code, except by adopting a stretch code established on the state level. A more stringent stretch energy code already exists, and is adopted by a majority of the state’s municipalities. This net zero stretch energy code represents an additional, even more stringent option for municipalities.

Actions:

Build With Strength has notified the state affiliate to be ready for action if the bill moves forward.

H 3987 “Greenworks”

Status: In 1st chamber

Position: **SUPPORT**

Summary:

This bill appropriates \$1 billion and creates Greenworks, a sustainable/resilient infrastructure program under the Office of Energy and Environmental Affairs. \$705 million of its funding is set aside for the office to make grants to municipal governments. Municipalities can apply for Greenworks grants for the new construction or major improvements to existing public infrastructure that improve climate resiliency, reduces climate impact (including but not limited to carbon emissions), or implements energy efficiency measures.

Actions:

Build With Strength has notified the state affiliate to be ready for action if the bill moves forward.

MISSISSIPPI – 1 bill

SB 2709 & HB 744

SB 2709 Status: Passed both chambers – needs Senate reaffirmation and governor’s signature

HB 744 Status: Incorporated into SB 2709

Position: **SUPPORT**

Summary:

Existing law requires insurance companies to offer a discount or rate reduction to residential building owners who build new construction to hurricane- and windstorm-resistant standards, including the Fortified for Safer Living standard, or similar standards adopted by the insurance commissioner.

This bill extends the same benefits to commercial construction statewide, effective July 1, 2021.

Actions:

Build With Strength has worked with the state insurance commissioner to promote this issue, and has notified the state affiliate to prepare to support this bill.

The Senate bill, SB 2709, passed the Senate unanimously (51-0) on March 5th, 2020, and passed the House with minor amendments (116-3) on May 28th, 2020. It must return to the Senate for a reaffirmation vote, which is expected on or before June 11th, 2020, before going to the governor for a signature.

PENNSYLVANIA – 1 bill

HB 2276

Status: In 1st Chamber – Labor and Industry Committee

Position: **SUPPORT**

Summary:

This bill clearly delineates responsibilities for different elements of concrete tests that are already required by existing law, and their related costs. It makes a testing agency hired by the building owner responsible for most phases of testing. Contractors are responsible for providing water, power, and on-site storage for test specimens, while the building owner's testing agency is responsible for the casting of test specimens, transportation to a lab, maintenance, final testing, and the reporting of results. This alleviates the cost burden that could previously be placed on contractors.

Actions:

Build With Strength and its state affiliate will support this bill as it moves forward.

CODES & STANDARDS

The International Code Council (ICC) amends its model codes on a three-year basis. With the publication on April 8, 2010 of the final action results from the Online Governmental Consensus Vote (OCGV), the changes to be implemented in the 2021 edition of the International Building Code (IBC) are completed and the new code cycle for changes to be implemented in the 2024 IBC will commence.

The process for revisions to building code provisions other than fire codes for the 2024 edition will take place over 2021 and 2022.

BUILDING STANDARDS – 1 standard

ASHRAE 189.1

Status: Revision under development

Position: SUPPORT

Summary:

Standard for the Design of High-Performance Green Buildings, except low-rise residential buildings. Revisions to Chapter 9: Materials & Resources are enhancing performance-based options, with more specific references to ASTM E2921 and comparative life-cycle analysis (LCA) assessments.

Actions:

Build With Strength is participating in working group meetings for ASHRAE 189.1.

FIRE STANDARDS – 3 standards

The bulk of the work for the fire code (IBC Chapters 7-9, 14, and 26; IFC; ICC Performance Code, IWUIC) change proposals for 2024 will occur in the remainder of 2020 and throughout 2021 during the Group A cycle. The deadline for submission of fire code change proposals is January 11, 2021.

A number of referenced fire standards are currently under development or revision. The following is a summary of progress for selected referenced fire standards.

ACI/TMS 216.1

Status: Revision under development

Position: SUPPORT

Summary:

Code Requirements for Determining Fire Resistance of Concrete and Masonry Construction Assemblies. The next edition will support performance approaches to concrete fire design and analyses.

Actions:

Build With Strength is supporting the update of ACI/ TMS 216.1 as a participating ACI 216 Technical Committee Member.

ASTM WK 59635

Status: Did not achieve the required 90% Affirmative Vote. Under revision for re-ballot.

Position: OPPOSE

Summary:

New Standard Test Method for Determining Flammability of Exterior Wall Assemblies for Mass Timber Multi-Story Structures. As currently developed, will provide favorable test conditions for exterior wall assemblies for mass timber multi-story structures.

Actions:

Build With Strength submitted a negative ballot in response to ASTM WK 59635. As of May 21st, 16 negative ballots had been cast against the standard. In the next week of virtual committee meetings, tentatively scheduled for late June or early July, Build With Strength will push for dismissal of the proposed standard.

NFPA 16' Parallel Panel Test

Status: Under Development

Position: MONITOR

Summary:

New Standard Test Method for Evaluation of Fire Propagation Characteristics of Wall Assemblies Containing Combustible Components. Potential alternate test method to NFPA 285 Standard Fire Test Method for Evaluation of Fire Propagation Characteristics of Exterior Wall Assemblies Containing Combustible Components.

Actions:

Build With Strength is attending meetings of the and relevant task groups to monitor the ongoing development of this standard and evaluate BWS' position.