



# AUGUST 2020 MONTHLY ACTIVITY REPORT

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.

## Influencing State Governors to Keep Construction Essential

Build With Strength and NRMCA’s 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 31 states that received letters (including the District of Columbia and Puerto Rico), 29 have declared construction an essential service. 37 States Executive Orders contain a version of the BWS guidance.

The list below includes each state that received a letter from either Build With Strength or NRMCA state affiliates, and information on whether construction had subsequently been declared essential. Below that are states that have been influenced in some other way, through direct discussion with governors’ offices, or promotion of model versions of business closure orders that keep construction an essential service.

STATE	IS CONSTRUCTION ESSENTIAL?	STATE	IS CONSTRUCTION ESSENTIAL?
Alabama	YES ( <a href="#">Letter to Gov. Ivey</a> )	North Dakota	YES ( <a href="#">Letter to Gov. Burgum</a> )
Arizona	YES ( <a href="#">Letter to Gov. Ducey</a> )	Oklahoma	YES ( <a href="#">Letter to Gov. Stitt</a> )
Arkansas	YES ( <a href="#">Letter to Gov. Hutchinson</a> )	Pennsylvania	Limited construction: <a href="#">Letter to Gov. Wolf</a>
California	YES ( <a href="#">Letter to Gov. Newsom</a> )	Puerto Rico	YES ( <a href="#">Letter to Gov. Garced</a> )
Colorado	YES ( <a href="#">Letter to Gov. Polis</a> )	South Carolina	YES ( <a href="#">Letter to Gov. McMaster</a> )
Florida	YES ( <a href="#">Letter to Gov. DeSantis</a> )	South Dakota	YES ( <a href="#">Letter to Gov. Noem</a> )
Georgia	YES ( <a href="#">Letter to Gov. Kemp</a> )	Tennessee	YES ( <a href="#">Letter to Gov. Lee</a> )
Illinois	YES ( <a href="#">Letter to Gov. Pritzker</a> )	Texas	YES ( <a href="#">Letter to Gov. Abbot</a> )
Iowa	YES ( <a href="#">Letter to Gov. Reynolds</a> )	Utah	YES ( <a href="#">Letter to Gov. Herbert</a> )
Kentucky	YES ( <a href="#">Letter to Gov. Beshear</a> )	Virginia	YES ( <a href="#">Letter to Gov. Northam</a> )
Maryland	YES ( <a href="#">Letter to Gov. Hogan</a> )	Washington	Limited construction: Letters to Gov. Inslee from <a href="#">WACA</a> and <a href="#">WCIC</a>
Michigan	YES ( <a href="#">Letter to Gov. Whitmer</a> )	West Virginia	YES ( <a href="#">Letter to Gov. Justice</a> )
Minnesota	YES ( <a href="#">Letter to Gov. Walz</a> )	Wisconsin	YES ( <a href="#">Letter to Gov. Evers</a> )
Mississippi	YES ( <a href="#">Letter to Gov. Reeves</a> )		
Nebraska	YES ( <a href="#">Letter to Gov. Ricketts</a> )		
North Carolina	YES ( <a href="#">Letter to Gov. Cooper</a> )		
<b>TOTAL SUCCESSFUL LETTERS TO GOVERNORS: 27</b>			
Connecticut	YES	Nevada	YES
D.C.	YES	New Hampshire	YES
Kansas	YES	New Jersey	YES
Maine	YES	Ohio	YES
Massachusetts	YES	Rhode Island	YES
<b>TOTAL OTHER STATES INFLUENCED: 10</b>			

**TOTAL CONSTRUCTION IS ESSENTIAL DECLARATIONS INFLUENCED: 37**

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 map](#).



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.
- On [December 3<sup>rd</sup>, 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 Build With Strength coalition has sent a letter to councilmember Monica Rodriguez, our motion sponsor and chair of the Public Safety Committee, urging the Public Safety Committee to take up the model legislation as an ordinance soon. The letter highlights recommendations published by the Los Angeles Fire Department; the measures in our proposed ordinance are necessary for the city to meet LAFD’s fire safety recommendations.
- Our coalition continues its outreach to Los Angeles’ 99 neighborhood councils. Several large neighborhood councils have expressed support, and we expect that supporting councils will file letters with the city council in support of our proposed ordinance.



A COALITION OF THE NATIONAL READY MIXED CONCRETE ASSOCIATION

- Bill A 250 & S 2051 will amend the state code with our fire safety bill 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 (sponsor), Assembly Speaker Craig Coughlin, and Deputy Speaker Wayne DeAngelo (sponsor).
- 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.
- On March 16<sup>th</sup>, 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.
- See the Build With Strength [New Jersey webpage](#), highlighting news stories and analysis that support the need for comprehensive fire safety in the state.

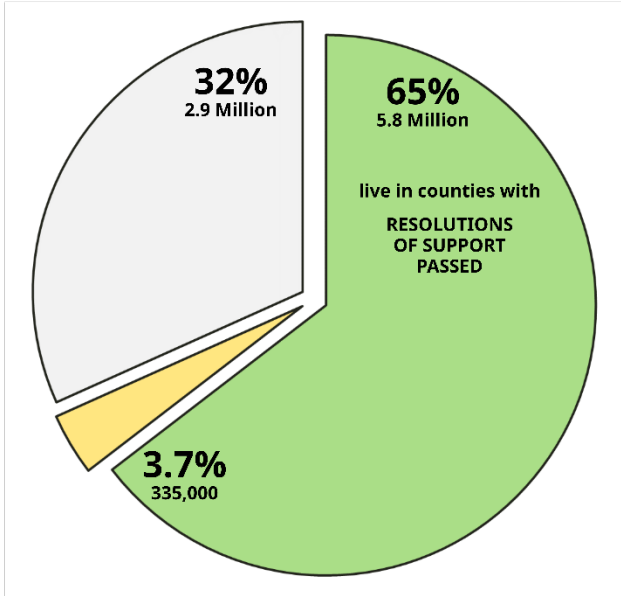
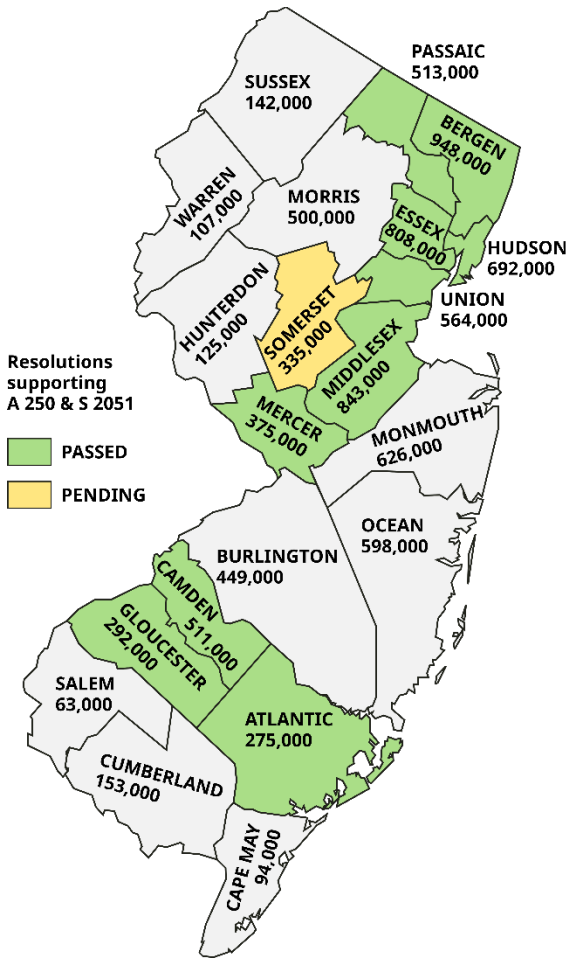
## Latest Actions

- On August 21<sup>st</sup>, a massive fire severely damaged an apartment complex in Somerville, NJ, located in Somerset county. [Build With Strength authored a press release](#) highlighting the need for legislation to address fire safety. A 250 and S 2051 address construction site safety directly, in addition to fire safety in mid-rise construction as a whole. S 2051 sponsor and Senate Majority Leader Loretta Weinberg is quoted in support of the bills:

“This should serve as yet another call to action for the New Jersey Legislature... Our communities are suffering as a result of unsafe building practices in the mid-rise market. It is time that we put an end to these practices to ensure that our communities are safer and more resilient. The legislature should advance A 250 and S 2051 so that future generations have safer housing.”

- In light of the recent fire, the Somerset County Board of Freeholders is undertaking a resolution of support for bill A 250 and S 2051 in an upcoming board hearing on September 8<sup>th</sup>. 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).

# NEW JERSEY SUPPORTS BILL A 250 & S 2051 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

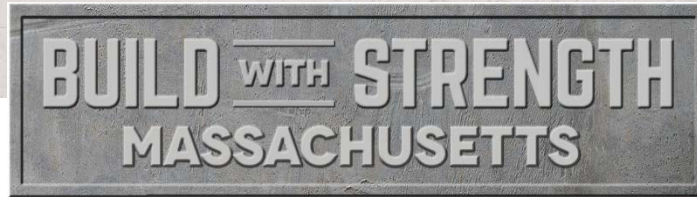
## Resolutions of support passed for A 250 & S 2051:

### 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 fire safety bill language.
- 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.
- The Joint Public Safety and Homeland Security Committee has unanimously passed both the House and Senate bills through their first reading vote.
- Letters of support for both bills have been submitted to the House and Senate Ways and Means Committees by the following coalition partners:
  - [International Union of Operating Engineers \(IUOE\) Local 4](#), representing the Commonwealth of Massachusetts
  - [Mason Contractors Association of Massachusetts \(MCAM\)](#)
  - [New England Concrete Manufacturers Association \(NECMA\)](#)
- 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 Massachusetts Legislature passed an order to fully extend the legislative session past the planned end date of July 31<sup>st</sup>, 2020, through January 5<sup>th</sup>, 2021. Bills will be heard when the legislature reconvenes in mid-late September.
- 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. Build With Strength is currently seeking new coalition members from among these groups, who have not yet joined the campaign.



A COALITION OF THE NATIONAL READY MIXED CONCRETE ASSOCIATION

- Our fire safety model legislation is planned for introduction in Philadelphia 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 planning a virtual meeting of our coalition partners to advance our model fire safety legislation, as either a bill in the city council or an administrative rule from the Fire Commissioner.

# ONGOING LEGISLATIVE EFFORTS

42 WINS	9 ONGOING EFFORTS	3 LOSSES
1 Supported Bill Passed 2 Opposed Bills Defeated	4 Bills Supported 1 Bill Opposed	3 Supported Bills Failed Sine Die
1 Supported Code Change Passed	2 Code Changes Supported 1 Code Change Opposed	
1 Local Resolution (see p. 8)	1 Local Incentive Supported	
37 "Construction is Essential" Declarations (see p. 1)		

## CALIFORNIA – 1 bill

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### AB 3164

**Status:** Passed Both Houses

**Position:** **SUPPORT**

#### Summary:

This bill requires the development of a wildland-urban interface risk model to determine the risk for communities or parcels in specified wildfire hazard zones. The bill will help the state and its communities prepare for wildfires and prioritize the use of wildfire prevention and mitigation funds. It also calls for an update of the model and guidelines when fire severity zones are revised.

The bill passed the Assembly with amendments on August 27<sup>th</sup>, 2020, the Senate concurred on August 30<sup>th</sup>, 2020, and now only requires the governor's signature.

#### Actions:

Build With Strength submitted a letter of support to the bill's sponsors and key committees.



## COLORADO – 1 bill

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### 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](http://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

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### HB 1015

Status: Failed Sine Die

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

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### HB 1754 & SB 2128

Status: Failed Sine Die - **LOSS**

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.

The bill failed sine die at the end of Hawaii's legislative session on July 10<sup>th</sup>, 2020. It may be reintroduced in the 2020 legislative session.

#### 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.

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### HB 1761 & SB 2135

Status: Failed Sine Die - **LOSS**

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 one- and two-family homes.

The bill failed sine die at the end of Hawaii's legislative session on July 10<sup>th</sup>, 2020. It may be reintroduced in the 2020 legislative session.

#### 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

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### LD 1280 (aka SP 400)

Status: Held without possibility of carryover - **WIN**

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. The bill was carried over by a joint order to any future special session in 2020, but no special session was called. It cannot be carried over to 2021, as the 129<sup>th</sup> 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

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### S 2477

Status: In 1<sup>st</sup> 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.

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**H 3997 “Greenworks” (formerly H 3897)****Status: In 2<sup>nd</sup> 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**

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**SB 2709****Status: Passed - WIN****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 5<sup>th</sup>, 2020, and passed the House with minor amendments (116-3) on May 28<sup>th</sup>, 2020. It was signed by the governor on June 23<sup>rd</sup>, 2020.

## PENNSYLVANIA – 1 bill

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### HB 2276

Status: In 1<sup>st</sup> 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

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### 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 – 4 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.

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### 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.

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## 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 21<sup>st</sup>, 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.

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## NFPA 4 – Standard for Integrated Fire Protection and Life Safety System Testing

**Status:** Passed - **WIN**

**Position:** **SUPPORT**

**Summary:**

This code change amends the scope of the standard, so that the minimum testing requirements are applied equally to both active fire protect and life safety systems (such as sprinklers) and passive systems (such as fire barriers and fire walls). This results in a more balanced approach to fire protection.

**Actions:**

Build With Strength submitted a position statement in support of this amendment.

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## 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.

## OTHER – 1 Incentive

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### Los Angeles Department of Water & Power (LADWP) Custom Performance Program (CPP)

**Status:** Proposal Review

**Position:** SUPPORT

**Summary:**

LADWP offers rebates for the installation of various energy efficiency measures through the CPP. NRMCA developed a rebate for the reduction of embodied carbon in building materials. The rebate takes the form of a one-time payment based on the reduction in global warming potential (GWP), calculated by environmental product declarations (EPDs).

**Actions:**

NRMCA developed and proposed this change, which would favorably reward concrete for energy efficiency.