

August 20, 2021

Ms. Katy Coba
State Chief Operating Office and DAS Director
Office of the Chief Operating Officer
Executive Building
155 Cottage Street, NE
Salem, OR 97301

Mr. Christian Gaston
Office of the Governor
Oregon State Capitol
900 Court Street, NE
Salem, OR 97301

RE: State Employee Vaccination Requirement

Dear Director Coba and Mr. Gaston:

Thank you for considering this letter submitted on behalf of the members of the Associated General Contractors Oregon-Columbia Chapter regarding Governor Brown's Executive Order 21-29. While it appears that the term "workers" as defined in the Order is not intended to apply to construction contractors working on Oregon's public works projects, many of our members are concerned that it may, in fact, have that impact on public projects. As you work through and begin addressing many of the "Frequently Asked Questions," we want to provide some information to your offices as it specifically relates to the construction industry in the hope that it may aid you in crafting the responses.

To be clear, as representatives of the construction industry, we understand the gravity of the situation that our state is faced with, and the dangers that the Delta and other variants of COVID-19 pose. However, requiring vaccinations of contractor employees working on public improvement projects will not likely make a significant impact in reducing the spread of COVID-19 and its variants.

In the spring of 2020, the construction industry took immediate action to implement COVID-19 safety protocols. We developed unique partnerships with our peers, our partners in the building trades, with local, state and other governments around the country to reduce the spread of the virus.

Construction sites are unique – work tasks are different site to site, and access to sites are highly controlled, in accordance with stringent jobsite safety and health protocols. The construction industry has a long history of understanding and

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implementing safety controls, task analysis, work plans and the correct use and application of personal protective equipment.

Based on the data and our overall employment footprint, our industry has been a model of success. Our response to the pandemic could be characterized in phases: first, early and robust training education and protocols to get in front of the disease; then, sharing of best practices, and expanded partnerships; and finally, refinement of our work practices and public information. We have been committed to safety throughout the pandemic and will continue to be so.

Given our industry's continued dedication to safety throughout the pandemic and the unique, controlled nature of our jobsites and workforce, requiring vaccinations for employees of contractors performing public work will provide limited (if any) public health benefit. We have proven that our methods for protecting our workforce have been successful. According to Oregon's Workers' Compensation Division data, there have been sixty-five (65) COVID-19 related workers' compensation claims in the construction industry, out of a population of 110,000 tradespeople, since March 2020. This number is evidence of our industry's commitment to curb outbreaks and the spread of COVID-19 and the Delta variant in the construction industry.

Placing expanded vaccine requirements on construction tradespeople performing on public works projects throughout the state would cause unintended impacts. It would threaten the ability to deliver the state's public projects in a timely and cost-effective manner. It would also create an unnecessary liability for our members (mostly small businesses), who would shoulder the costs and outcomes of potential vaccine related issues, on top of those they have already incurred.

We understand the concerns the Governor has with the current state of the pandemic and the spread of COVID-19 and its variants. We take this situation seriously and recommit to working with the Governor and her administration in the fight against these variants. We hope you will consider our concerns for our industry, as we work to keep building the necessary infrastructure for our state.

Again, it appears from the language of the Order that it does not apply to our members performing work on public projects. However, if your interpretation of "worker" differs from ours and does include construction workers on public projects, we request the opportunity to discuss this issue further with you. Please

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contact either me, Mike Salsgiver (503-685-8305, mikes@agc-oregon.org), or John Rakowitz (503-317-1781, johnr@agc-oregon.org).

Sincerely,

A handwritten signature in black ink that reads "Mike Salsgiver". The signature is written in a cursive, flowing style.

Mike Salsgiver
Executive Director