

# North American Concrete Alliance

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November 20, 2020

The Honorable Mitch McConnell  
Majority Leader  
U.S. Senate  
Washington, D.C. 20510

The Honorable Nancy Pelosi  
Speaker  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Charles Schumer  
Democratic Leader  
U.S. Senate  
Washington, D.C. 20510

The Honorable Kevin McCarthy  
Republican Leader  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Majority Leader McConnell, Speaker Pelosi, Democratic Leader Schumer, and Republican Leader McCarthy:

The North American Concrete Alliance (NACA) is grateful for your continued leadership to address the novel COVID-19 pandemic public health and economic impacts on our families, communities, businesses, and country. Continued efforts to provide stability and relief to the U.S. economy are urgent and critical to equip the country to face the unprecedented impacts of this pandemic. As you continue to work on legislation to address the economic impacts of the pandemic, NACA supports legislation providing aid for state departments of transportation (DOTs), broad liability protections, and additional funding and reforms to the Paycheck Protection Program. We look forward to working with you to enact bipartisan legislation in a timely manner to ease the burden of COVID-19 impacts on the American people.

NACA is a coalition of 12 concrete-related trade associations dedicated to addressing industry-wide policy priorities. Cement and concrete project manufacturing, directly and indirectly, employs approximately 610,000 people across the country, and our collective industries contribute more than \$125 billion to the economy. Like many other industries, the cement and concrete industries are experiencing the economic impact of the coronavirus pandemic.

NACA urges you to include \$37 billion in aid for state DOTs in a COVID-19 relief package to ensure states can move forward with critical improvements to the nation's transportation infrastructure and mitigate job losses in the transportation construction industry. Since the start of the pandemic, states have experienced severe losses in motor fuel tax and toll receipts on which their transportation programs heavily rely. As a result, many state DOTs have imposed furloughs and delayed or canceled critical transportation projects, which has resulted in losses in construction jobs. The American Association of State Highway and Transportation Officials (AASHTO) estimates \$37 billion in state transportation revenue losses over five years through fiscal year 2024. It is also estimated states experienced \$16 billion in losses fiscal year 2020. Providing states with an infusion of \$37 billion in federal funding will ensure state DOTs can address the revenue shortfalls they are experiencing and prevent further disruptions to planned transportation projects and additional and prolonged job losses in the construction sector. Allowing state DOT employees and transportation construction workers essential to planning and delivering transportation projects to continue working is good for the economy and prevents further deterioration in the nation's already inadequate transportation infrastructure.

Additionally, NACA urges the inclusion of broad liability protections in a COVID-19 relief package. Without these protections, companies that manufacture and distribute cement and concrete products face the potential of abusive lawsuits. Our members are dedicated to the safety of the people who work at their facilities by following or exceeding Centers for Disease Control and Prevention guidelines, state and local requirements, and rigorous safety procedures. The typical threats faced at worksites are known and can be mitigated with certain safety practices currently being followed by contractors, equipment manufacturers, and companies that distribute and supply these construction materials and products. However, COVID-19 is a new threat to modern society with no equal in the last 100 years and exposure may occur outside the workplace, which employers cannot mitigate.

The financial difficulties companies that manufacture and distribute construction materials and equipment face could be compounded by litigation related to COVID-19. No company that has followed the state and federal standards and guidance relating to COVID-19 should be in jeopardy, especially considering these guidelines have changed and been revised numerous times. Liability protections will incentivize businesses to operate in compliance with federal and state recommendations while allowing for bad actors to be punished, and those harmed, rectified. Companies that have complied in good faith with federal guidelines should not face the potential for expensive lawsuits that will inevitably lead to additional plants closing, jobs lost, and steeper economic decline. For these reasons, we encourage Congress to provide our member companies with broad liability protection from frivolous legal action.

Finally, we urge you to include reforms to the Paycheck Protection Program (PPP) in any future COVID-19 relief package. While the PPP's forgivable loans have successfully provided our industries with the liquidity necessary to maintain payrolls and meet obligations during the pandemic, we urge Congress to ensure that the program continues to be administered in the manner and spirit in which Congress enacted it. Specifically, we urge Congress to make three reforms:

1. Provide certainty on forgiveness of PPP loans of all sizes so that no company that received and expended PPP funds following the program's guidelines faces penalties.
2. Provide clarity on the tax deductibility of expenses covered by PPP funds.
3. Allow 501(c)6 non-profit organizations like local Chambers of Commerce and trade associations that support America's small businesses to apply for PPP loans.

Again, thank you for your continued leadership as our country responds to the COVID-19 pandemic.

Sincerely,

American Concrete Pavement Association  
American Concrete Pipe Association  
American Concrete Pressure Pipe Association  
American Concrete Pumping Association  
Concrete Foundations Association  
Concrete Reinforcing Steel Institute

National Concrete Masonry Association  
National Precast Concrete Association  
National Ready Mixed Concrete Association  
Precast/Prestressed Concrete Institute  
Portland Cement Association  
Tilt-Up Concrete Association

Cc: All members of the U.S. Senate & U.S. House of Representatives