

March 24, 2020

The President
The White House
1600 Pennsylvania Ave, NW
Washington, DC 20500

Dear Mr. President:

On behalf of the Portland Cement Association (PCA)¹ and the larger cement manufacturing industry, we would like to thank you for your leadership in our nation's response to the global crisis arising from the COVID-19 pandemic. Increasingly, the COVID-19 crisis and necessary government response activities, including travel restrictions, shelters in place, quarantines, and other social distancing methods, pose challenges to the cement industry which produces essential materials that build and maintain our nation's critical infrastructure, such as roads, bridges, tunnels, hospitals, buildings, pipelines, dams, levees, and water treatment facilities. Maintaining our nation's critical infrastructure is vital. We must continue developing and improving public works projects that are essential for delivering needed medical supplies, food and goods, clean water, and energy to the American people as we address this pandemic.

In this crisis, the Administration should recognize that the cement industry provides essential building materials for our critical infrastructure and, as such, should designate the industry as an essential and critical manufacturing industry. In addition, PCA has also been working with regulatory agencies, the U.S. Environmental Protection Agency (EPA) and the Mine Safety & Health Administration (MSHA), to identify specific areas where compliance flexibility and enforcement discretion are needed due to containment methods. PCA urges the Administration to issue sound regulatory and enforcement guidance to regulators that allows agencies to address the extraordinary circumstances our nation is experiencing and cement manufacturers to produce resources that serve our critical infrastructure needs.

Designate Cement as an Essential Industry

It is critical that the Administration identifies the cement industry as an "essential industry," exempted from any current or future mandatory quarantines. Our member companies must be allowed to leave their homes and continue to produce the building materials for our nation's critical infrastructure.

On March 19, the Department of Homeland Security issued [Guidance on the Essential Critical Infrastructure Workforce](#) and did not explicitly include cement manufacturing in the "Critical

¹ Founded in 1916, PCA is the voice of the U.S. cement manufacturing industry and the widely recognized authority on the technology, economics, and application of cement manufacturing. It represents more than 91% of the U.S. cement manufacturing capacity. PCA members cement manufacturing facilities in 35 states and related cement and concrete operations in all 50 states, servicing every Congressional district. Cement and concrete product manufacturing, directly and indirectly, employs approximately 600,000 people in our country, and our collective industries contribute over \$100 billion to our economy. Portland cement is the fundamental ingredient in concrete.

Manufacturing” category. As an essential industry, PCA requests adding the cement industry to the “Critical Manufacturing” category in the Guidance. Deeming the cement manufacturing industry as critical will allow for the continued production of cement, which is a foundational element of concrete used to build and maintain our critical infrastructure. The Administration should also communicate this to the appropriate state and local officials across the nation: the cement industry is a critical manufacturing industry and should be allowed to continue operations.

Further, PCA recommends that your Administration add all facets of the construction industry supply chain as “essential” as it is imperative that the industries that build, design and maintain our nation’s critical infrastructure are able to provide the labor, materials, and support for the construction industry through our nation’s response to the COVID-19 pandemic.

Regulatory Compliance Flexibility and Enforcement Discretion

Both EPA and MSHA leadership and staff deserve praise for maintaining open lines of communication with the regulated community and listening to our members’ compliance concerns while working diligently to develop enforcement guidance in response to the crisis. Going forward, PCA and its members have identified the following areas where additional cooperation, regulatory flexibility, and enforcement discretion will be needed.

Environmental Protection Agency

The staff, contractors, and materials PCA members rely on to conduct certain routine compliance activities are currently unavailable due to travel restrictions, quarantine and lockdown requirements, and supply chain disruptions. These compliance activities include the following:

- Routine testing;
- Equipment calibration;
- Quality assurance activities;
- Laboratory analysis; and
- Routine reporting;
- Routine training and recertification.

PCA is seeking compliance flexibility and enforcement discretion from EPA with respect to the timing, enforcement, and conduct of these regulatory compliance activities. Attached is our letter to EPA including the specific compliance areas where flexibility and enforcement discretion are needed. PCA looks forward to EPA’s enforcement guidance in response to the COVID-19 crisis that is expected this week and will follow up with EPA with any specific feedback.

Mine Safety and Health Administration

Our members are taking a wide range of proactive measures to maintain safe and healthy workplaces, including limiting travel, limiting in-person meetings, implementing remote work for employees whenever it is feasible, and employing other social distancing and hygiene practices to slow the spread of the virus. As cement manufacturers adjust to maintain their operations and ensure the

health and safety of their workers, certain issues have arisen where additional regulatory flexibility is needed. Broadly, these include asking MSHA to:

- Require inspectors to follow proper social distancing practices;
- Extend timing for training and testing that is required annually;
- Provide additional time for abatement actions and response to document requests;
- Expedite reviews of Petitions for Modifications to mine operation practices.

For the health and safety of both regulators and the regulated community, common-sense practices must be adopted, and flexibility provided so as a community we can adapt to current conditions, which will protect this critical industry and allow operations to continue working in a safe and healthy manner. PCA is requesting flexibility and enforcement discretion from MSHA regarding inspections policies and procedures. Please see attached PCA's letter to MSHA on these matters.

The issues we have identified above are certainly subject to reasonable adaptation given the health requirements of the current national emergency and all requested modifications would be consistent with statutory mandates.

Conclusion

PCA thanks the Administration for its hard work in combating this threat and we look forward to partnering with you to ensure that the cement industry continues to build our nation's critical infrastructure. Thank you for your consideration of the requests outlined in this letter. If you have any questions regarding this request, please feel free to contact PCA's Senior Vice President of Government Affairs at 202-719-1974 or soneill@cement.org.

Sincerely,



Michael (Mike) Ireland
President and CEO

CC: The Honorable Chad Wolf
Acting Secretary
Department of Homeland Security

The Honorable Eugene Scalia
Secretary
Department of Labor

The Honorable Andrew Wheeler
Administrator
Environmental Protection Agency