March 20, 2020

To all public officials of the 55 states, territories and commonwealths of the United States:

As State, local, tribal and territorial leaders across the Nation make critical and difficult decisions regarding responses to slow the spread the COVID-19, it is important that construction workers who build, maintain, and repair our Nation’s critical infrastructure are able to continue to do their jobs, and to do them in a safe environment.

On March 19, 2020, the Director of U.S. Homeland Security’s Cybersecurity and Infrastructure Agency (CISA) issued a Memorandum under guidance from the President of the United States. The President’s guidance states: “If you work in a critical infrastructure industry, as defined by the Department of Homeland Security . . . you have a special responsibility to maintain your normal work schedule.”

The CISA Memorandum identifies the “critical infrastructure” industries and workers that CISA considers “essential to continued critical infrastructure viability.” Although the CISA’s list of critical infrastructure industries and workers is advisory in nature, it is offered to assist State, local, tribal and territorial governments in “prioritizing activities related to continuity of operations and incident response.”

The CISA Memorandum identifies 14 “critical infrastructure” industries: (1) healthcare/public health, (2) law enforcement, public safety, first responders, (3) food and agriculture, (4) energy, (5) water and wastewater, (6) transportation and logistics, (7) public works, (8) communications and information technology, (9) community-based government operations, (10) critical manufacturing, (11) hazardous materials, (12) financial services, (13) chemical, and (14) defense industrial base.

Among the workers identified by CISA in those 14 industries as being essential are those “working construction” in the critical infrastructure industries. The definition of “construction” in the North American Industry Classification System (NAICS) is commonly used and means: erecting buildings and other structures (including additions); heavy construction