

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Major, Erica \(BOS\)](#)
Subject: FW: Opposition to Emergency Ordinance - Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings, File #200638
Date: Wednesday, June 24, 2020 5:01:07 PM

From: Marc Intermaggio <mli@boma.com>

Sent: Wednesday, June 24, 2020 3:26 PM

To: Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>

Cc: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Colfax, Grant (DPH) <grant.colfax@sfdph.org>; Aragon, Tomas (DPH) <tomas.aragon@sfdph.org>; Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>; Administrator, City (ADM) <city.administrator@sfgov.org>; Chu, Carmen (ASR) <carmen.chu@sfgov.org>; Torres, Joaquin (ECN) <joaquin.torres@sfgov.org>; (kevin@hotelcouncilsf.org) <kevin@hotelcouncilsf.org>; Rodney Fong <rfong@sfchamber.com>

Subject: Opposition to Emergency Ordinance - Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings, File #200638

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June 24, 2020

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

Re: [Opposition to Emergency Ordinance - Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings, File #200638](#)

Dear Supervisors,

On behalf of the Building Owners and Managers Association (BOMA) of San Francisco and the San Francisco Chamber of Commerce, we are writing to express our opposition to the Emergency Ordinance – Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings (File #200638). The health and safety of our office building employees, service providers, tenants and our visitors has long been a top priority for us. Now more than ever, it is our chief concern as we have begun the process of building re-

occupancy. The proposed ordinance however, is redundant when we have guidance from agencies such as Cal/OSHA and the California Department of Public Health covering the same matter. Having multiple authorities issuing guidance and standards is confusing and accomplishes little. The other agencies with medical expertise are the ones tasked by law with issuing this type of guidance and they have done so, and the Board of Supervisors should not interfere.

We note with particular interest that the proposed ordinance does not include “a building or set of buildings owned by the City or by any other unit of government, whether local, state, or federal”. The exemption for municipal buildings seems to be an acknowledgement that compliance with this ordinance will be burdensome and expensive so the City does not want to impose those burdens on itself.

The Emergency Order requires cleaning and disinfecting high-traffic areas every 30 minutes. What is the science behind this proposed requirement? This is impracticable and likely impossible to accomplish. Disinfection, when done properly, is laborious and slow, with most disinfectants requiring several minutes of contact time. There is a lengthy list of these high-traffic areas, including all surfaces in lobbies, hallways, stairways, etc. To actually do this would require an army of employees disinfecting continuously. It also does not demarcate what surfaces need to be on this cycle within a commercial office building. Just common areas that the property manager controls, or, will tenants be expected to clean and disinfect their lobby areas every 30 minutes?

Employee protection, including PPE and training, is under the authority of Cal/OSHA which is designated as the agency to control occupational safety in California under Federal OSHA. Under the state/federal framework laid out in the federal OSHA statute, states can be authorized to regulate occupational safety but their standards need to be approved by federal OSHA as being at least as effective as federal OSHA standards.

There is a reference to providing Medical Waste containers where needed without any context. Medical waste generally refers to waste that may be contaminated with blood, not from routine disinfection. This reference either needs to be explained or removed to avoid confusion.

The anti-retaliation provisions present several problems, or actually new iterations of issues raised above. First, there is already a Cal/OSHA program for whistleblowers and protection against retaliation for reporting unsafe work environments or refusing to work in an unsafe work environment. There is no need for a second program, which may encourage employees not to use the Cal/OSHA program, which could be seen as weakening the authorized program. In addition, the combination of the anti-retaliation provisions with the enforcement provisions creates a private cause of action straight to San Francisco Superior Court for claims

that an employee was retaliated against for complaints about workplace safety. This is in contrast with both state and federal whistleblower programs, which call for an administrative fact-finding process, with appeals to administrative judges and then to court as a last resort. Furthermore, the enforcement provision is not limited to retaliation; it creates a right for an employee to bring an action of any violation of the EO in court, to be awarded damages, including a penalty of \$1,000 per violation, exemplary damages, and attorney fees. This is clearly creating a whole separate enforcement regime from the authorized Cal/OSHA system of inspections and enforcement and penalties, undercutting that program, and is likely not acceptable to either Cal/OSHA or federal OSHA. California went through this years ago with Prop 65, when federal OSHA said that the occupational exposure arm of Prop 65 could not lawfully be implemented until Cal/OSHA adopted regulations addressing Prop 65 in the context of workplace exposures and federal OSHA approved those regulations with notice in the Federal Register. Violations of occupational safety standards belong in the Cal/OSHA system, not the courts.

We feel that it is in the best interest of public health that office buildings and hotels follow guidelines developed by the medical experts, not guidelines legislated by the Board of Supervisors and targeted at only specific industries.

We ask that you not approve this ordinance, and instead, allow the medical experts to provide the guidance.

Sincerely,

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rfong@sfchamber.com email

Cc: Mayor London Breed, Dr. Grant Colfax, Dr. Tomas Aragon, Sean Elsbernd, Naomi Kelly, Carmen Chu, Joaquin Torres

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Major, Erica \(BOS\)](#)
Subject: FW: Subject: Highgate Hotels" Opposition to Emergency Ordinance File #200638 Cleaning and Disease Prevention
Date: Thursday, June 25, 2020 8:17:48 AM

From: Michael Baier <mpbaier@parkcentralsf.com>
Sent: Thursday, June 25, 2020 6:46 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Subject: Highgate Hotels' Opposition to Emergency Ordinance File #200638 Cleaning and Disease Prevention

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

I writing to express Highgate Hotels' strong opposition to the Emergency Ordinance – Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings File #200638. The health and safety of our employees and guests is our industry's number one priority. However, health guidelines must be determined by the medical experts in the Department of Health, not by the Board of Supervisors.

San Francisco Hotels already have guidelines developed by the Hotel Council of San Francisco, California Hotel & Lodging, and American Hotel & Lodging that are all based on medical expert guidance from CDC, CDPH and CAL OSHA guidelines.

Our #1 priority since the onset of the pandemic and subsequent hotel closure has been to return our associates to work just as quickly and safely as possible. The position of Local 2 should be identical. Imposing an ordinance that will add millions of dollars in expense (while doing nothing that hasn't already been done to ensure the safety of our associates) will only delay the opening of our hotels.

Again, we ask that you not approve this ordinance and allow the medical experts to provide the guidance.

Sincerely,

Michael Baier
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From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Major, Erica \(BOS\)](#)
Subject: FW: Park Hotels Opposition to Emergency Ordinance File #200638 Cleaning and Disease Prevention
Date: Thursday, June 25, 2020 8:19:15 AM

From: Baltimore, Thomas <tbaltimore@pkhotelsandresorts.com>
Sent: Thursday, June 25, 2020 6:05 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: Morey, Thomas <tmorey@pkhotelsandresorts.com>
Subject: Park Hotels Opposition to Emergency Ordinance File #200638 Cleaning and Disease Prevention

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Dear Supervisors

On behalf of Park Hotels & Resorts Inc., the owner through its subsidiaries of the Hilton San Francisco Union Square, Parc 55, Le Meridien – San Francisco, the JW Marriott Union Square, Hotel Adagio – San Francisco and the Hyatt Centric Fisherman’s Wharf, I am writing to express strong opposition to the Emergency Ordinance – Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings File #200638. The health and safety of our employees and guests is our industry’s number one priority. However, health guidelines must be determined by the medical experts in the Department of Health, not by the Board of Supervisors.

San Francisco hotels already have guidelines developed by the Hotel Council of San Francisco, California Hotel & Lodging, and American Hotel & Lodging that are all based on medical expert guidance from CDC, CDPH and CAL OSHA guidelines. As well, our industry’s leading management companies have also already adopted stringent COVID 19-era protocols for health and safety such as Hilton *CleanStay* and Marriott’s *Committed to Clean* programs.

We believe the proposed ordinance will place employees at our hotels at *increased risk of contracting COVID 19* as a result of its daily room cleaning mandate, which will inherently result in greater close-quarters interaction between employees and guests. We are aware of no scientific data supporting the proposition that daily room cleaning will reduce the transmission of COVID 19 – and common sense and logic together dictate that there would only be *greater COVID 19 transmission* as a result of the greater close-quarters interactions from daily cleaning. The ordinance’s “every 30 minutes” cleaning requirement ignores the reality that competent and professional hotel management companies with decades of experience have already developed stringent requirements to provide safe guest and employee experiences in light of the COVID 19 threat. And the ordinance’s daily linen and towel cleaning requirements are obviously contrary to City’s environmental and sustainability goals.

Lastly, please understand that if the ordinance is passed, we expect many hotels in San Francisco will simply keep their doors shut rather than face its burdensome requirements.

For all of these reasons, we ask that you not approve this ordinance and allow the medical experts to provide the guidance.

Sincerely,

Thomas J. Baltimore, Jr.
Chairman and CEO
Park Hotels & Resorts Inc.

Thomas J. Baltimore, Jr.
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