

August 3, 2020

Alejandro Fernandez
Owner
Back to New/BTN Services LLC
3013 Fountainview Dr., Suite 177
Houston, TX 77057

By First-Class Mail, Text Message [REDACTED], and Email to
go@backtonew.us

Dear Mr. Fernandez:

Resilience Force advocates for workers on the frontlines of recovery after disasters. We aim to strengthen and secure the workers whose talent makes disaster recovery possible. Resilience work is dangerous. After disasters, resilience workers take great risks as they drive recovery. Over the last several months, the coronavirus pandemic has compounded the danger. Without critical protections, resilience workers are vulnerable to COVID-19, but the risk isn't limited to them. Employers who leave workers unprotected from COVID-19, endanger the broader public health. COVID-19 is contagious. Death rates are high. Especially at risk are individuals who are elderly or have underlying health conditions. For all these reasons, which are now widely accepted, protecting resilience workers' health is essential to protecting the health of the communities they are helping to rebuild.

We are contacting you after receiving reports from workers that BTN Services LLC:

- Has transported workers in crowded conditions without precautions against COVID-19;
- Has housed unrelated workers four to a hotel room;
- Failed to provide or require adequate personal protective equipment, including PPE appropriate for disaster clean up sites;
- Did not provide hand washing stations or appropriate hand sanitizer and did not allow for-or failed to encourage and enforce frequent handwashing;
- Has not allowed, encouraged, monitored, or enforced social distancing;
- Fail to conduct pre-shift COVID-19 related questionnaires or temperature checks at its sites;
- When workers had symptoms of COVID-19, tested positive, or were known to have been exposed to persons who had been diagnosed with COVID-19, did not inform, isolate, quarantine, or test affected workers and failed to take other reasonable steps to protect the health of workers and the community;
- When workers had symptoms of COVID-19, did not promptly make the notifications required by law and common sense;

- When workers tested positive for COVID-19, did not promptly make the notifications required by law and common decency;
- Did not provide a COVID preparedness and safety plan when requested, leading us to believe you did not have one;
- If the aforementioned plan did exist, your business or businesses did not inform workers of the plan's requirements, did not train workers on the plan, did not monitor compliance with the plan, and did not enforce the plan;
- Transported or caused to be transported known COVID-19-positive individuals to Texas and Florida through several communities without notification;
- Did not comply with published guidelines, recommendations and requirements from the Centers for Disease Control and occupational safety and health agencies; and
- Failed to comply with instructions and recommendations from local public health authorities.

Workers have reported that you recruited workers from Texas and Florida and have or had projects in Michigan, Indiana, Illinois, and Louisiana. We are aware of workers who have tested positive from your Michigan and Indiana projects. Workers have also reported that you and at least one BTN supervisor traveled to Nappanee, Indiana and to Chicago, despite having been in contact with workers who tested positive for COVID-19, without quarantine, and seemingly without regard for the risk you posed to workers and others in these communities.

We are aware that BTN also provided workers for an inventory job in Chicago and given BTN's track record, we are concerned that similar COVID-19-related and other failures occurred there. It has come to our attention that you are recruiting or have recruited for or are performing jobs in Louisiana and Texas. We are concerned that similar COVID-19 related and other failures are occurring or will occur there.

Steps That Must Be Taken Immediately to Protect Resilience Workers on Your Projects

To specifically address these issues, BTN must immediately take steps to protect workers on your projects. Specifically, BTN must immediately:

- **Stop housing unrelated people in the same hotel room.** Workers must be provided the opportunity to remain isolated from other workers during the critical sleeping and leisure hours indoors by having their own separate place to sleep.
- **Require and provide PPE, including masks, hand sanitizer, and access to soap and water for frequent handwashing.** Disposable masks and gloves should be provided daily. If masks are reusable instead of disposable, some means for laundering them must be provided. In appropriate circumstances, provide N95 respirator masks.

- **Encourage and require frequent handwashing breaks.**
- **Ensure adequate cleaning and disinfection of worksites, shared transportation, and hotel rooms**, including increased cleaning of all surfaces and equipment if a sick worker is suspected or confirmed to have COVID-19.
- **Prepare and provide to all workers and customers a COVID-19 Preparedness and Response Plan.** Please provide me a copy of your plan as well.
- **Provide worker training in (1) policies and procedures in BTN's COVID-19 preparedness and response plan and (2) any other safety standards that apply.** Training should address COVID-19 policies and procedures like screening, PPE, the use of disinfectant chemicals, and preventative personal hygiene habits. Training must also comply with any applicable federal or state OSHA standards and recommendations, including those specific to flood cleanup and mold remediation. Training must be provided in a language that all workers can understand.
- **Monitor and enforce compliance with your COVID-19 Preparedness and Response Plan.**
- **Implement flexible work hours, staggered shifts, and breaks and design work plans** to allow work teams to maintain distance at the worksite.
- **Stop overcrowding vehicles.** Workers must be allowed to maintain distance when being transported from their home states to BTN worksites and from BTN housing to BTN worksites on a daily basis.
- **Restrict unnecessary movement between multiple worksites.**
- Create and conduct a **daily worksite entry protocol** to screen for COVID-19. Include temperature checks in the protocol. Compensate workers for time spent engaging in this protocol.
- When a COVID-19 case is confirmed, **immediately notify the local public health department, other workers, and anyone else who may have come in contact with that worker, including your client, the staff at the worksite, and hotel staff of any confirmed COVID-19 cases among workers lodging there.** Implement workforce contact tracing procedures for confirmed cases.
- **Comply with health officials' directives and guidance.**
- **Stop lying to workers.** Ensure that all communication and recommendations from public health or other government officials is communicated immediately and accurately to workers.
- **Isolate and quarantine sick workers** and those who test positive for COVID-19 and workers who have been exposed to them. Workers who have been exposed, are sick, or test positive should be isolated completely. Workers who

are exposed to another sick worker should be quarantined in the city and state where they are located, at your expense.

- In all operations, **follow the published guidelines, recommendations and requirements** from the Centers for Disease Control, occupational safety and health agencies, and public health authorities.

Finally, I am sure you are aware that it is illegal to retaliate against any worker for that worker speaking up about their workplace rights related to health, safety, working conditions, and various other reasons, to elected officials, government agencies, and the like. Similarly, it is illegal to do so through agents such as your girlfriend. Do not retaliate against your workers.

Please contact me at [REDACTED] or by email to [REDACTED] to arrange a time to discuss these issues further.

Regards,



Saket Soni
Executive Director

cc: SERVPRO of Saginaw
SERVPRO of Midland
SERVPRO, Inc.
MidMichigan Medical Center, CEO Dr. Diane Postler-Slattery
Midland County Department of Health, Director Fred Yanoski
Bay City Department of Health, Public Health Director Joel Strasz
Midland County Board of Commissioners, Chair Mark Bone
Mayor of the City of Midland, Maureen Donker
Michigan Department of Health, Director Robert Gordon
Michigan Attorney General Dana Nessel
Michigan Governor Gretchen Whitmer
Quality Hardwood Sales, Nappanee, Indiana Co-Owner Darin Hum
Indiana Department of Health Commissioner Dr. Kris Box
Indiana Governor Eric Holcomb
City of Chicago Department of Health Commissioner Dr. Allison Arwady
City of Chicago Mayor Lori Lightfoot
Illinois Department of Health Director Dr. Ngozi O. Ezike
Illinois Governor JB Pritzker
Florida Governor Ronald DeSantis
Florida Department of Health State Surgeon General Dr. Scott A. Rivkees



Texas Commissioner of Health Dr. John Hellerstedt
Texas Governor Greg Abbott
Louisiana Health Secretary Dr. Courtney N. Phillips
Louisiana Governor John Bel Edwards