

Good morning and thank you so much for offering this hearing today. I am John Forsyte, President and CEO of Orange County's Pacific Symphony and have served in my role for 22 years.

Pacific Symphony Music Director Carl St.Clair, a distinguished American musical leader, has often said:

Music is a birthright that must be shared equally by all."

His philosophy is embedded in our institutional DNA. 40% of all the individuals who hear the Symphony do so for FREE. Just before the pandemic we received a touching letter from Court Appointed Special Advocates, describing the reaction one of the children who attended a concert. The letter said:

My CASA kid was just in complete and utter AWE... she kept saying all night long how much fun she was having; her young eyes could not absorb enough. I don't even know if she blinked." —

During the pandemic, I am proud to report we continue to pay our musicians, and they are flexibly providing digital services to our partners and audiences. It is, however, exceptionally difficult to sustain this effort.

On behalf of the 130 orchestras and thousands of musicians, staff and board members in the Association of California Symphony network, I urge you to establish guidelines for the safe return of the public to our performances.

We are behind other states in creating clear, relevant guidelines so that we can provide the impact to those in our care, including musicians, audiences, students, and teachers.

You may be surprised to know, that, in partnership with their state governments, there are major orchestras that have not stopped performing for audiences, utilizing detailed protocols to keep them safe. Today, we are asking you to develop a phased re-opening of the orchestral and classical music sector in CA.

As science has demonstrated, large volume concert halls are significantly safer than many other indoor facilities. Many of us in California also utilize outdoor venues, and our industry is expert at moving people safely. We believe regulations should account for the various physical and mechanical attributes of the halls or venues in which we work.

It was very exciting to learn recently that in a major study, German scientists demonstrated that concert halls can operate at 50 percent capacity with 'almost no risk' of infection from Covid-19. The study shows that a 'checkerboard' pattern of seating in the auditorium would be

enough to ensure audience safety. This and other studies show that we can safely re-open to audiences now.

While we read that movie theaters are being allowed to open at certain tiers, a concert hall should not be bound by the same regulatory framework as a movie theater -- given the cubic volume of air and the sophistication of air handling, among other attributes.

With an elite scientific team in Germany making this report, do we have to replicate the same study in our concert halls? Can we move forward with a checkerboard seating plan for large venue spaces and when?

Our request is a clear roadmap based on the tiered structure we employ in CA, erring on the side of caution in the early stages, but moving aggressively in the latter tiers. Within all the tiers, we would require masking in our venues, and other protocols that align with CDC standards.

For the Purple Tier, we recommend that outdoor performances align with those provided to religious services. So, performance activities would be limited to 100 patrons in attendance. Ensembles would maintain social distancing, but full orchestras could perform if the stage accommodates the agreed upon recording industry and/or labor-management safety agreements.

Indoors, no more than 50 people would be allowed to attend a rehearsal or performance and must follow clear social distancing guidelines.

For the Red Tier, outdoor performances would increase to 250 people. No more than 100 would be permitted indoors.

In the Orange Tier, we propose utilization of the checkerboard seating plan for indoors and outdoor venues.

It is with the Yellow Tier, we would ask you to consider allowing a full re-opening of our outdoor and concert hall venues, with masking, spacing in public areas, cleaning and other CDC safety protocols.

Please bear in mind it is difficult to make immediate changes given the long lead-times we require, so it provides some buffer of time to the implementation to observe trends.

Given the variability in physical size of performance and seating areas – both outdoors and indoors, the sophistication of air handling, and other variables, we would ask that our local health officials be empowered to review a safety plan with no less than 7 days' notice that might allow for an organization to exceed a capacity threshold.

We also ask for clear guidance on the point at which full seating capacity with masks or without is permissible recognizing our very long planning lead times.

Three final points: During the pandemic, orchestras have successfully been making their case for support for donations, however, the crippling loss of ticket sales from not being able to hold in-person performances means we need a financial infusion from the state to get back on our feet, particularly after Federal programs begin to wane. It will take time to regain audiences and restore revenue.

Second, as stated earlier, many of our musicians, and other professional artists in CA, work as teaching artists in public and private schools. We want to ensure that teaching artists in all disciplines are categorized as teachers for purposes of vaccine distribution so they can return to the classroom.

Pacific Symphony has a vast program of education and community engagement programming, serving tens of thousands of Southern California youth and families in the most vulnerable and disadvantaged communities. We can help bridge many educational and emotional challenges for our state citizens including seniors and veterans. We strongly believe in equity, inclusions, and accession leveraging partnerships and our resources for maximum of benefit.

Finally, should we adhere to regulations, we would request some form of liability protection, particularly if the federal government does not act.

As an industry we are prepared to work with you to help draft specific guidelines for reopening.

This is a time when arts can help heal our communities, bring joy, solemnity, and reconciliation as only artists are able to do. With your help, we can start to move forward together. Thank you so much for your attention and commitment to the future of our organizations.