GUIDANCE FOR BUSINESSES IN THE CONSTRUCTION INDUSTRY PERMITTED TO OPERATE DURING THE COVID-19 DISASTER EMERGENCY

INTENT

The virus that causes Coronavirus 2019 Disease ("COVID-19") is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to safeguard public health and safety. Previously, the Governor and Secretary of Health ordered most construction projects to cease unless they were supporting life-sustaining businesses or activities. Recognizing that the construction industry is vital to Pennsylvania's economy, construction activities may resume in accordance with this guidance.

Businesses in the Commonwealth that have been permitted to maintain in-person operations during the disaster emergency, other than health care providers, must take several precautions to protect their employees, their employees' families, and members of their communities. Businesses that are permitted to maintain in-person operations are those authorized under the Governor's and Secretary's Non-Life Sustaining Business Closure Orders, an exemption from those orders, or subsequent applicable order from the Governor and Secretary. All businesses (especially those that were originally closed and later permitted to re-open a portion of their operations) must review these guidelines and commit to ensuring the health and safety of their employees and the public, including construction businesses currently conducting in-person operations and those now able to resume activities.

BUSINESSES SUBJECT TO THIS GUIDANCE

Beginning May 1, 2020, all businesses in the construction industry in the Commonwealth, including those in new construction, renovation, and repair, as well as land subdivision and design-related field activities, are permitted to maintain in-person operations pursuant to the Governor's and Secretary of Health's April 20, 2020 amendments to the Business Closure Orders so long as their activities strictly adhere to this guidance. Construction projects previously granted an exemption to continue in-person operations may continue operations but must adhere to this guidance.

Prior to May 1, all businesses in the construction industry should continue to follow existing Administration orders and guidance, and may continue to maintain in-person operations to the extent authorized by any existing exemptions.

POLICY

It is the policy of the Administration to ensure that all businesses in the construction industry subject to this guidance conduct operations in the manner best designed to prevent or mitigate the spread of COVID-19 and ensure the safety of the employers, employees and the public as a whole.

All construction businesses authorized to conduct in-person operations in the Commonwealth must adhere to requirements of this guidance, as well as all applicable business and building safety orders issued by the Secretary of Health.

Local political units may elect to impose more stringent requirements than those contained in this guidance. In such instances, businesses must adhere to the more stringent requirements.

ALL CONSTRUCTION ACTIVITIES

All businesses and employees in the construction industry must do the following:

- Follow all applicable provisions of the Order of the Secretary of Health providing for business safety measures, issued April 15, 2020, including but not limited to provisions requiring that every person present at a work site wear masks/face coverings, and provisions requiring the establishment of protocols for execution upon discovery that the business has been exposed to a person who is a probable or confirmed case of COVID-19.
- Follow all applicable provisions of the Order of the Secretary of Health providing for building safety measures, issued April 5, 2020.
- Follow other applicable Department of Health (DOH) and Centers for Disease Control and Prevention (CDC) guidance.
- Require social distancing (6-feet minimum distance between workers) unless the safety of the public or workers require deviation (e.g. drywalling, team lifting).
- Provide hand wash stations at appropriate locations on the site such as building entrances, break areas, food truck areas, offices, trailers, and job site egress areas.
- Implement cleaning or sanitizing protocols at all construction sites and projects. Identify and regularly clean and disinfect areas that are at high risk for transmission (requirements to clean common areas and regularly trafficked spaces periodically).
- Ensure all gatherings are limited to no more than 10 people, maintaining 6-foot social distancing, when required to meet, even when conducted outside.
- Use virtual meetings, and disseminate information electronically to the extent feasible.
- Stagger shifts, breaks, work areas and/or stacking of trades where feasible to minimize workers on site.
- Limit tool sharing and sanitize tools if they must be shared.
- Employ jobsite screening based on CDC guidance to determine if employees should work. Prohibit from working any employees with any symptoms of COVID-19. Encourage sick employees to stay home.
- Prohibit unnecessary visitors to any project or work site, and limit supplier deliveries.
- Limit access to enclosed spaces to the extent feasible.
- Ensure workers are traveling to and from the job site separately. Wherever possible employees should not share a vehicle.
- Identify a "Pandemic Safety Officer" for each project or work site, or, if a large-scale construction project, then for each contractor at the site. The primary responsibility of the Pandemic Safety Officer will be to convey, implement, and enforce the social distancing and other requirements of this guidance for the protection of employees, suppliers, and other personnel at the site.

RESIDENTIAL CONSTRUCTION

The Uniform Construction Code (34 Pa. Code § 401.1) defines residential buildings as "detached one-family and two-family dwellings and townhouses which are not more than three stories above grade plane in height with a separate means of egress and their accessory structures."

- All residential construction projects including new construction, renovation, and repair are authorized to conduct in-person operations; however, such projects may not permit more than four persons on the job site at any time inclusive of employees of both prime and sub contractors, but not inclusive of delivery persons, code inspectors, or similar persons who require temporary access to the site and are not directly engaged in the construction activity.

NON-RESIDENTIAL OR COMMERCIAL CONSTRUCTION

The Uniform Construction Code (34 Pa. Code § 401.1) defines "Commercial construction" as "a building, structure or facility that is not a residential building." This definition includes multi-unit housing and student housing.

- All commercial construction projects including new construction, renovation, and repair are authorized to conduct in-person operations; however, enclosed projects or portions of enclosed projects, may not permit more than four persons on job sites of 2,000 square feet or less, and

- One additional person is allowed for each additional 500 square feet of enclosed area over 2,000 square feet. These numbers are inclusive of employees of both prime and sub contractors, but not inclusive of delivery persons, code inspectors, or similar persons who require temporary access to the site and are not directly engaged in the construction activity. Enclosed square footage shall include all areas under roof that are under active construction at the time.

- Commercial construction firms, including particularly those managing large-scale construction projects, should consider strongly establishing a written Safety Plan for each work location containing site specific details for the implementation of this guidance to be shared with all employees and implemented and enforced by the designated Pandemic Safety Officer.

PUBLIC CONSTRUCTION

Elected political subdivisions (or "local political units" as described in the Governor's guidance), and other public entities should continue to use best judgment in exercising their authority to conduct critical construction projects. All construction decisions should appropriately balance public health and safety while ensuring the continued safety of critical infrastructure. When possible, local political units and public entities should postpone non-essential projects and only proceed with essential projects when they can implement appropriate social distancing and cleaning/disinfecting protocols, and should adhere to this guidance on all construction projects.

Local political units and public entities should officially communicate to contractors whether their specific project will be resumed. Notwithstanding any general authorization to resume construction activities, contractors should not resume work on public construction projects until directed to do so by the applicable governmental unit.

Certain commonwealth agencies and independent commissions have already issued guidance for critical or essential projects that are continuing. Those specific agency or commission directives should be followed unless there is a direct conflict with these guidelines, in which case these guidelines control. Contractors working on public construction projects must follow construction restart or resumption plans established by that agency or commission.

INSPECTIONS AND APPRAISALS

Beginning May 1, 2020, in-person inspection and appraisals related to construction financing loans, and UCC building code plan review and inspection services may be conducted as necessary for all construction projects authorized under this guidance.

QUESTIONS AND FURTHER GUIDANCE

Businesses that have questions about whether this guidance applies to them may email the Department of Labor and Industry at RA-LIBOIS-BUILDINGS@pa.gov.

Answers to frequently asked questions involving application of the Employee Safety Order is available here.

Businesses in the construction industry may wish to refer to PennDOT's COVID-19 Guidance for Restarting Construction Projects which provided a process for restarting construction projects that were suspended in response to COVID-19 mitigation. The guidance is available here.

Help is available for people who are struggling with their mental or emotional health or feeling anxious or overly stressed contact the Crisis Text Line by texting PA to 741-741.

ENFORCEMENT

Enforcement actions against violators of the Governor's and Secretary of Health's Orders Closing Businesses That Are Not Life Sustaining commenced on March 23, 2020, and is ongoing.

Law enforcement officers should refer to Enforcement Guidance available online here.

ADDITIONAL INFORMATION

For the most up-to-date, reliable information, please continue to refer to the Commonwealth of Pennsylvania's website for Responding to COVID-19 in Pennsylvania: https://www.pa.gov/guides/responding-to-covid-19/.