

FHMS COVID-19 Resource Center:

GUIDANCE FOR CONSTRUCTION PROJECTS PERMITTED TO RESUME IN PA

On April 23, 2020, Pennsylvania Governor Tom Wolf issued a new directive permitting in-person operations in the construction industry to resume **beginning May 1, 2020**, so long as these activities strictly adhere to the Governor's and Secretary of Health's April 2020 [amendments](#) to the Business Closure Orders. This directive also applies to new construction, renovation, repair, land subdivision, and design-related field activities.

In conjunction with the General Contractors Association of Pennsylvania, [guidelines](#) were issued by the government to ensure that all businesses in the construction industry operate in the manner best designed to prevent or mitigate the spread of COVID-19 and to ensure the safety of the employers, employees and the public as a whole. Please note that the guidelines permit local governments to impose more stringent requirements for the construction activities within their jurisdiction. Below is an overview of the guidelines:

ALL Construction Activities

- 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 employees with COVID-19 symptoms from working and 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 and, 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 for the protection of employees, suppliers, and other personnel at the site.

Additional Guidelines for Residential Projects

Residential buildings are defined 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” See 34 Pa. Code § 401.1. In addition to the above guidelines for all activities, **residential construction projects may not have more than four (4) persons on the job site at any time** (inclusive of employees of both prime and subcontractors, 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).

Additional Guidelines for Commercial Projects

Commercial buildings are defined as any “building, structure or facility that is not a residential building” including multi-unit housing and student housing. See 34 Pa. Code § 401.1. In addition to the above guidelines for all activities, **enclosed commercial projects or portions of those projects, may not have more than four (4) persons on job sites of 2,000 square feet or less.** One (1) additional person is allowed for each additional 500 square feet of enclosed area over 2,000 square feet (inclusive of employees of both prime and subcontractors, 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, particularly those managing large-scale projects, are strongly encouraged to establish a written safety plan for each job site containing site-specific details for the implementation of these guidelines. The plan should be shared with all employees and implemented and enforced by the designated Pandemic Safety Officer.

Public Projects

When possible, local political units and public entities should only proceed with essential projects when they can implement appropriate social distancing and disinfecting protocols. They should adhere to the above guidance and contractors should not resume work on public construction projects until directed to do so by the applicable governmental unit. Commonwealth agencies and independent commissions have already issued guidance for critical or essential projects that are continuing operation. Those specific agency or commission directives should be followed unless there is a direct conflict with these guidelines, in which case these guidelines control.

As always, we are available to discuss your questions or concerns. Please do not hesitate to contact us.

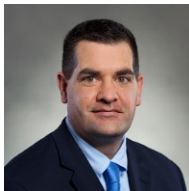
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Damian M. Taranto is a partner with over a decade of experience defending commercial vehicle, general liability, product liability, construction accident, and premises liability matters. He has represented insureds and self-insureds in cases with questionable liability and catastrophic injuries, handling all aspects of litigation from initial pleadings through jury trial. In addition to post-accident investigations, he works directly with insureds to develop and execute risk management strategies. For questions, please contact him directly at **215-789-4845**.

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