

Division of Fire Safety

COVID-19 Operational/Inspection Adjustments – May 6th, 2020

As amended per the Governor's Executive Order 01-20 Addendum 12

Work Smart & Stay Safe - Restart VT: Phase I

Construction (As outlined by the Agency of Commerce and Community Development)

The construction sector may operate limited in-person operations in accordance with the Phased Restart Work Safe Guidance, including restricting work crews to ten people per location/job and following mandatory health safety recommendations beginning May 4th. Only construction needed to support the COVID-19 response, maintain critical infrastructure, or for the safety, sanitation and operations of residences or businesses is allowed to operate beyond this scope of the Phased Restart Work Safe Guidance.

Construction that maintains critical infrastructure includes those activities that support businesses providing critical services and functions (like health care operations and food production) as enumerated in the Addendum 6 order. Permissible construction that supports those critical businesses remains limited to only the services necessary to the business's core functions that the Governor deemed critical. By contrast, projects not supporting a critical function or not urgent should only proceed in accordance with the ten-person limitation established in the Phased Restart Work Safe Guidance. Examples of construction not limited to the ten-person limitation include replacing a failing roof, failed electrical system, or broken waterline, providing services to a hospital, or repairing a dairy barn or food production facility. Additionally, jobsites should be left in a safe and secure manner before ceasing in-person construction.

Construction crews returning to work under the Phased Restart Work Safe provisions must remember that the intent of the new guidance is to reduce the density of workers at construction sites and reduce gatherings at construction sites. Construction companies must not return to "normal" operations. The Phased Restart Work Safe Guidance allows construction to occur with no more than ten people per location/job. A location/job may be a single property, a single house, a floor of a large multi-story property, or a distinct separate physical location on a larger construction property. In instances where more than ten people are working on a large project (for instance, ten people on floor one and ten people on floor 3), those individuals must not come into contact. Start times must be staggered to avoid gatherings, breaks should be staggered, and job meetings exceeding ten people must not occur.

Interior construction may occur in uninhabited structures, adhering to social distancing standards, with no more than ten workers maintaining social distance between them whenever possible. In multi-family/multi-tenant buildings, only the individual unit or work location must be uninhabited.

For occupied structures, with tenants unable to vacate the property, only urgent and critical work may resume with no more than ten workers. Work crews must utilize engineering controls such as temporary barriers isolating construction from the occupants or negative air machines to control dust and debris. In addition, crews should use dedicated entrances, separate wash and toilet facilities, wear face masks and complete a training on mandatory health and safety requirements as provided by VOSHA, or another training program that meets or exceeds the VOSHA-provided standard by May 4, 2020.

Employees who reside in another state and work in Vermont may commute to their jobs on a daily basis if their employer is deemed critical under the Stay Home, Stay Safe order or their work is done in accordance with the Phased Restart Work Safe Guidance, and they commute directly to and from their work site. However, if the employee is commuting to a non-permanent job site (such as a construction site), with more than 10 people on site, the employer should request approval through the Agency's guidance request form before traveling.

Workers should not make multi-day overnight trips to Vermont for non-critical work at this time, as lodging facilities are not available to them, unless they have alternative overnight accommodations and can quarantine for 14 days before reporting to work.

The Phased Restart Work Safe Guidance anticipates allowing the construction sector to "restart with as few employees as necessary to permit full operations while maintaining compliance with the mandatory health and safety requirements..." on May 11th. Businesses that ceased operations for 7 or more days during the state of emergency and have more than 10 employees at any one site must complete a restart and training plan. Visit the Restart Vermont page for more information.

The construction sector may operate limited in-person operations in accordance with the May 7th and 11th guidance, including restricting work crews to two people per location/job and following mandatory health safety recommendations. Only construction needed to support the COVID-19 response, maintain critical infrastructure, or for the safety, sanitation and operations of residences or businesses is allowed to operate beyond this scope. As an example, replacing a failing roof, failed electrical system, or broken waterline would be acceptable. Additionally, jobsites should be left in a safe and secure manner before ceasing in-person construction. Providing services to a hospital or healthcare facility would be acceptable.

Construction crews returning to work under the Work Safe provisions of Addendum 12 and the May 7th and May 11th guidance must remember that the intent of the new guidance is to reduce the density of workers at construction sites and reduce gatherings at construction sites. Construction companies must not return to "normal" operations. The May 11th guidance allows construction to occur only on jobs sites that have a designated safety officer and have an operational plan in place for each location/job site.

The Agency interprets unoccupied to mean uninhabited properties. Indoor construction should not occur in occupied properties, whether the homeowner is present or not.

These Contractor questions must be answered and documented to the respective State Inspector prior to scheduling any on-site inspection:

- 1.) Has anyone, currently on the jobsite, exhibited any signs or symptoms of the COVID-19?
- 2.) Do you, or whoever will be on site for the inspection, have a fever or cough?
- 3.) Has anyone on the jobsite traveled outside of Vermont in the past fourteen (14) days? If yes, where?
- 4.) Has anyone associated with the property been tested positive or treated for COVID-19?
- 5.) Does the contractor or business/building owner have any specific safety or PPE (Personal Protective Equipment) requirements to enter their jobsite?

- **Under no circumstances is infectious disease information to be disclosed to anyone except your immediate supervisor. This must be treated as confidential information.**

Conditions which must be met and maintained during the execution of any on-site, face-to-face inspections:

- 1.) All inspections will continue to be conducted with no more than two people and social distancing and PPE use must be maintained throughout the entire time the inspector is on location.
- 2.) Individual contractors and business/building owners may have established more stringent requirements for their specific job site or building, based on CDC and Department of Labor guidance. We must be prepared to adhere to these requirements on a case by case basis. (See the link below.)
- 3.) All inspections will require all persons involved to utilize and maintain the required 6' social distancing requirement.
- 4.) All persons on site will be required to utilize a protective mask and protective gloves (where deemed necessary by the inspector or jobsite emergency plan) throughout the entire inspection process.
- 5.) It is the individual contractor that will ensure that these conditions are met and maintained throughout the entire inspection process.
- 6.) To ensure the safety of all persons involved, that upon the inspector's arrival, it is determined by the inspector that the local jobsite is not working in accordance with the Governor's Executive Order 01-20 and addendums, the inspection will be aborted and rescheduled at such time the conditions are appropriate.
- 7.) All inspectors will utilize the appropriate personal sanitizing methods when leaving any job site and before they enter their vehicle.
- 8.) "Purchase & Sale" type inspections shall only be conducted on properties where the owners/occupants are not on site during the inspection. And, before the inspection is scheduled, they too, must answer the pre-inspection contractor questions listed above on the first page.

<https://www.osha.gov/Publications/OSHA3990.pdf>

Therefore, Division inspections will be allowed, and this inspection guidance shall take effect Monday, May 11th, 2020 and may be revoked or amended as required in accordance with the Governor's Executive Order 01-20 and any current and future addendums.