

April 14, 2020

The Honorable Jay Inslee
Governor of the State of Washington
PO Box 40002
Olympia, WA 98504-0002

Dear Governor Inslee,

The members of the Construction Roundtable would like to thank you for the opportunity to participate in this stakeholder process. We did our level best to be deliberate and thoughtful in developing recommendations for your consideration that we believe are consistent with the mission of combating the Covid-19 virus while allowing construction work to be safely phased back into operation.

We further appreciated the support that your office provided to facilitate these discussions with the various agency partners. There is a lot of interest in this effort and the appropriate staging and supply chain considerations in ensuring that restarting construction is done safely so as to not take a step backward in this pandemic fight. In addition to these meetings, the members of the Roundtable group had several separate conversations to develop the enclosed protocols and to formulate these recommendations for your consideration.

We, the undersigned members of the Construction Roundtable, believe that work classified under the Phase 1 category should be allowed to return to work provided that the protocols outlined in the Phase 1 document are posted on the jobsite and fully complied with. In our discussions, we recognized that there are several residential and commercial jobs that are able to achieve these safety conditions. For instance, residential structures that were well underway at the time that the Stay Home Stay Safe Order was implemented. In addition, WSDOT is currently engaged in a process, as are several other public owners, to systematically prioritize projects by risk level. These deliberations would work in concert for identifying projects that appropriately fit into Phase 1.

We are also working on a Phase 2 document that could be used if, based on the safe return of work under Phase 1, could be implemented for the next level of limited risk under the same strict adherence to the safety protocols. We believe that a Phase 3 document will also be necessary but, in the spirit to getting you these recommendations expeditiously, we limited our current recommendations to the lower risk construction activities.

It was important to us to create a framework that is flexible enough to adapt to changing conditions. Phase 1 projects have strict accountability measures and enforcement agencies will be the first line of compliance and have the authority to issue stop work, and civil penalties for any violations of these protocols. Further, if metrics determine construction work is adversely affecting progress of combating COVID-19, and/or if your enforcement agencies report

significant noncompliance, work could be suspended, and the framework allows flexibility in amending criteria or delay in proceeding to Phases 2 and 3.

Finally, it is important that any restart of construction activities also include authorizing the work of material suppliers, state inspectors, and local planning officials to also begin, complying with the requirements listed for essential business in your “Stay Home, Stay Safe” proclamation 20-25. All of these groups are necessary for construction work to restart and progress.

In closing, the Construction Roundtable and our members stand with you as we work together to protect the health of Washington state citizens in these trying times. We understand that our directive, and efforts have been solely focused on considerations surrounding restarting construction work. Should other non-construction considerations inform your decision making in a manner that goes against our recommendations, we will continue to work to alleviate all concerns regarding restarting construction work in Washington State in the safest manner possible. We also appreciate your leadership on this matter and understand the difficult decisions you must make.

Sincerely,



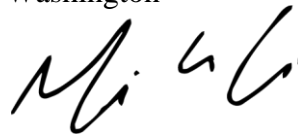
Mark L. Riker
Washington State Building
and Construction Trades Council



David D'Hondt
Associated General Contractors
of Washington



Josh Swanson
International Union of Operating
Engineers Local 302



Mike Ennis
Association of Washington Business



Matt Swanson
Pacific Northwest Regional
Council of Carpenters



Greg Lane
Building Industry Association
of Washington

Phase 1 Construction Restart

COVID-19 Job Site Requirements

Phase 1: Low Risk

Restart existing construction projects with COVID-19 Safety Plans that allow work which only can be performed meeting social distancing requirements. These activities would be able to be performed meeting the requirements of the “COVID-19 Construction Industry Emergency Requirements – Version 4-2-2020” or the “Residential Construction COVID-19 Job Site Requirements” without additional planning.

Prior to recommencing work all contractors are required to develop and post at each job site a comprehensive COVID-19 exposure control, mitigation, and recovery plan. The plan must include policies regarding the following control measures: PPE utilization; on-site social distancing; hygiene; sanitation; symptom monitoring; incident reporting; site decontamination procedures; COVID-19 safety training; exposure response procedures; and a post-exposure incident project wide recovery plan. A copy of the plan must be available on each job site during any construction activities and available for inspection by state and local authorities. Failure to meet posting requirements will result in sanctions up to and including the job being shut down.

All Contractors are required to post at each job site written notice to employees, subcontractors and government officials the Phase 1 work that will be performed at that job site and signed commitment to adhere to the requirements listed in this document.

All contractors have a general obligation to keep a safe and healthy worksite in accordance with state and federal law. Failure to follow these requirements will be considered a violation of these duties and be penalized accordingly. Under RCW 49.17.060, “each employer shall furnish to each of their employees a place of employment free from recognized hazards that are causing or likely to cause serious injury or death to his or her employees and shall comply with the rules, regulations, and orders promulgated under this chapter.” The Washington State Department of Labor and Industries’ Division of Occupational Safety and Health (DOSH) is responsible for workplace safety and health, including inspections and enforcement, consultation, technical assistance, training, education and grants.

All contractors are also required to comply with the following COVID-19 worksite-specific safety practices, as outlined in Gov. Jay Inslee’s “Stay Home, Stay Healthy” Proclamation 20-25, and in accordance with the Washington State Department of Labor and Industries General Coronavirus Prevention Under Stay Home-Stay Healthy Order (DOSH Directive 1.70: <https://www.lni.wa.gov/safety-health/safety-rules/enforcement-policies/DD170.pdf>) and the Washington State Department of Health Workplace and Employer Resources & Recommendations at <https://www.doh.wa.gov/Coronavirus/workplace>:

COVID-19 Site Supervisor

1. A site-specific COVID-19 Supervisor shall be designated by the contractor at every job site to monitor the health of employees and enforce the COVID-19 job site safety plan. A designated COVID-19 Supervisor must be present at all times during construction activities, except this requirement only applies on single-family residential job sites whenever there are 7 or more people on the site.

COVID-19 Safety Training

2. A Safety Stand-Down/toolbox talk/tailgate training must be conducted on all job sites on the first day of returning to work, and weekly thereafter, to explain the protective measures in place for all workers. Social distancing must be maintained at all gatherings.
3. Attendance will be communicated verbally and the trainer will sign in each attendee.
4. COVID-19 safety requirements shall be visibly posted on each jobsite.

Social Distancing

5. Social distancing of at least 6 feet of separation must be maintained by every person on the worksite at all times.
6. Gatherings of any size must be precluded by taking breaks and lunch in shifts. Any time two or more persons must meet, ensure minimum 6 feet of separation.
7. Identify “choke points” and “high-risk areas” on job sites where workers typically congregate and control them so social distancing is always maintained.
8. Minimize interactions when picking up or delivering equipment or materials, ensure minimum 6-foot separation.
9. To the extent practical allow only one trade/subcontractor at a time on a jobsite and maintain 6-foot separation social distancing for each member of that trade. If more than one trade/subcontractor must be on the job to complete the job then at a minimum all trades and subcontractors must maintain social distancing policies in accordance with this guidance.

Personal Protective Equipment (PPE) – Employer Provided

10. Provide personal protective equipment (PPE) such as gloves, goggles, face shields and face masks as appropriate, or required, for the activity being performed.
11. Masks, in accordance with Washington Department of Health guidelines (<https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/ClothFacemasks.pdf>), or as required by Washington Department of Labor and Industries (L&I) safety rules, must be worn at all times by every employee on the worksite.
12. Eye protection must be worn at all times by every employee while on worksite.

13. Gloves must be worn at all times by every employee while on worksite. The type of glove worn should be appropriate to the task. If gloves are not typically required for the task, then any type of glove is acceptable, including latex gloves.
14. If appropriate PPE cannot be provided, the worksite must be shut down.

Sanitation and Cleanliness

15. Soap and running water shall be abundantly provided on all job sites for frequent handwashing. Workers should be encouraged to leave their workstations to wash their hands regularly, before and after going to the bathroom, before and after eating and after coughing, sneezing or blowing their nose.
16. When running water is not available, portable washing stations, with soap, are required, per WAC 296-155-140 2(a) – (f). Alcohol-based hand sanitizers with greater than 60% ethanol or 70% isopropanol can also be used, but are not a replacement for the water requirement.
17. Post, in areas visible to all workers, required hygienic practices, including not to touch face with unwashed hands or with gloves; washing hands often with soap and water for at least 20 seconds; use hand sanitizer with at least 60% alcohol; cleaning and disinfecting frequently touched objects and surfaces such as workstations, keyboards, telephones, handrails, machines, shared tools, elevator control buttons, and doorknobs; covering the mouth and nose when coughing or sneezing as well as other hygienic recommendations by the U.S. Centers for Disease Control (CDC).
18. Make disinfectants available to workers throughout the worksite and ensure cleaning supplies are frequently replenished.
19. Frequently clean and disinfect high-touch surfaces on job sites and in offices, such as shared tools, machines, vehicles and other equipment, handrails, doorknobs, and portable toilets. If these areas cannot be cleaned and disinfected frequently, the jobsite shall be shut down until such measures can be achieved and maintained.
20. When the worksite is an occupied home, workers should sanitize work areas upon arrival, throughout the workday and immediately before they leave, and occupants should keep a personal distance of at least 10 feet.
21. If an employee reports feeling sick and goes home, the area where that person worked should be immediately disinfected.

Employee Health/Symptoms

22. Create policies which encourage workers to stay home or leave the worksite when feeling sick or when they have been in close contact with a confirmed positive case. If they develop symptoms of acute respiratory illness, they must seek medical attention and inform their employer.
23. Have employees inform their supervisors if they have sick family member at home with COVID-19.
24. Ask workers to self-identify symptoms of fever, coughing, or shortness of breath each day, before the shift, mid-shift, and at home. If thermometers are used on the job, they shall be 'no touch' or 'no contact.'

25. If employees have symptoms of acute respiratory illness (i.e. fever, cough, shortness of breath), they must stay home and not come to work until free of symptoms for at least 72 hours, without the use of medicine, as recommended by the CDC.
26. Failure of employees to comply will result in employees being sent home during the emergency actions.
27. Employees who do not believe it is safe to work shall be allowed to remove themselves from the worksite and employers must follow the expanded family and medical leave requirements included in the Families First Coronavirus Response Act.
28. Any worker coming to work on a construction site in Washington from any state that is not contiguous to Washington must self-quarantine for 14 days to become eligible to work on a job site in Washington.
29. If an employee is confirmed to have COVID-19 infection, employers should inform fellow employees of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA). The employer should instruct fellow employees about how to proceed based on the CDC [Public Health Recommendations for Community-Related Exposure](#).

Job Site Visitors

30. A daily attendance log of all workers and visitors must be kept and retained for at least four weeks.

Failure to comply with these requirements, or to provide the materials, schedules and equipment required to comply, will result in shutting down operations on the worksite until the contractor can meet and maintain all requirements.

All contractors shall post on each job site written compliance with these requirements prior to performing any work. Under the authority of the Washington Industrial Safety and Health Act (WISHA), L&I's Division of Occupational Safety and Health (DOSH) will enforce these COVID-19 jobsite safety and health requirements. Complaints may be submitted to the L&I Call Center (1-800-423-7233) or via e-mail to Linda Adame at adag235@lni.wa.gov.

These Phase 1 COVID-19 job site safety practices are required as long as the "Stay Home, Stay Healthy" Gubernatorial Proclamation 20-25 is in effect or if adopted as rules by a federal, state or local regulatory agency.