

STATE OF NEVADA

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DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

April 17, 2020

Ref: Declaration of Emergency Directive 003 and Emergency Regulations filed March 20, 2020

Scope: This memo supersedes that Nevada Occupational Safety and Health Administration's (NVOSHA) March 26th memo for the construction industry.

On March 26th, 2020 NVOSHA published a set of required measures in support of the Governor's directives related to COVID-19, which are available at:

<http://dir.nv.gov/uploadedFiles/dirnv.gov/content/home/features/OSHA%20COVID%2019%20Letter%20for%20Construction%20Industry.pdf>

This memo will amend the required measures to be taken by all business identified as a construction sector entity and address/amend required measures for social distancing.

NVOSHA emphasizes that construction sector businesses are to continue aggressively addressing the spread of the COVID-19 virus through compliance with the required measures within this memo.

General Operations:

The following measures are required of businesses within the construction sector.

- ▶ Restrict meetings, safety meetings/tailgate talks, and gatherings to no more than 10 people. Ensure that proper social distancing is used for any gathering allowed by this measure. (Ref. - Guidance on Preparing Workplaces for COVID-19, OSHA 3990-03 2020)
- ▶ Provide sanitation and cleaning supplies for addressing common surfaces in multiple user mobile equipment and multiple user tooling. (Ref. - Guidance on Preparing Workplaces for COVID-19, OSHA 3990-03 2020)
- ▶ Conduct daily surveys of changes to staff/labor health conditions. **NVOSHA is emphasizing the need for construction leadership to be working with and aware of the health and well-being of its labor force.** Many leaders in the construction industry have implemented entry surveys of labor health conditions that have, and may, include temperature scans and in-person Q&A. (Ref. - Guidance on Preparing Workplaces for COVID-19, OSHA 3990-03 2020)
- ▶ Ensure that any identified first responders in the labor force are provided and use the needed Personal Protective Equipment (PPE) and equipment for protection from communicable or infectious diseases. (29 CFR 1910.1030)

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- ▶ Provide access to potable and sanitary water (29 CFR 1926.15)

Social Distancing:

Declaration of Emergency Directive 003 allows the construction industry to continue operations, but requires employers to “maintain strict social distancing practices to facilitate a minimum of six feet of separation between workers.” The following measures are required to be implemented by the employer when employees are conducting specific job functions where 6 feet of social distancing is infeasible/impractical.

- ▶ A Job Hazard Analysis (JHA) must be completed for each task, procedure, or instance that is identified where social distancing is infeasible/impractical. Any JHA drafted for this purpose must be equivalent in detail and scope as identified in Federal OSHA publication 3071. <https://www.osha.gov/Publications/osha3071.pdf>
- ▶ A JHA developed for this purpose must identify the task being addressed, hazard being addressed (spread of COVID-19), and controls to be used to address the hazard.
- ▶ Any policy, practice, or protocol developed pursuant to the JHA must be as effective or more effective as the 6 feet social distancing mandate from the NVOSHA March 26th memo.
- ▶ Engineering controls, administrative controls, and PPE identified and developed through the JHA to address the hazard must be supplied by the employer.
- ▶ Training must be provided to staff for any policy, practice, or protocol that is used to address the hazard via a JHA.
- ▶ Training must be provided to staff for any equipment, engineered process, administrative control, or PPE that was identified and developed through the JHA to address the social distancing requirements or alternative policies, practices, or protocols implemented when social distancing is infeasible/impractical.

Social Distancing during breaks, lunches/dinners, and other slack periods:

NVOSHA is aware that social distancing requirements are not always followed by employees despite the efforts of the employer. The following measures are required of all construction sector projects and the employers involved in the project.

- ▶ Employers are required to monitor employees during break, lunch/dinner, and slack periods to ensure that they are maintaining proper social distancing protocols.
- ▶ If an employer representative identifies an instance where proper social distancing protocols are not being followed, the representative will immediately implement a verbal warning with the employees involved. A second instance of failing to follow set social distancing protocols will result in a mandatory two-day suspension of the employee involved. A third instance of failing to follow the set social distancing protocols will result in a mandatory termination of the employee involved.

- ▶ These observations and associated disciplinary measures apply to parking lots, staging areas, and any other location identified by the employer to be a supportive part of the overall project.

NVOSHA emphasizes that slowing/addressing the spread of COVID-19 is a required aspect of all activities/tasks/services associated with essential business sectors and will continue to enforce the use of the identified measures to address this public health crisis.

NVOSHA seeks to ensure that all construction companies comply with the aforementioned mandates and also seeks to distribute this information so that construction businesses are fully aware of these requirements. If your business, group, or association is receiving this memo then please recognize this memo as notice to your business, group, or association that the previously mentioned mandates and guidance must be adopted and put into effect.

If you are receiving this memo and are associated with a building group or association we request that you immediately distribute this memo to all General Contractors, Subcontractors, or any other representatives of construction sector businesses that this information may apply to, including but not limited to, inspectors, utilities, vendors, material suppliers, independent contractors, or any other companies having employees present at a Nevada construction site.

NVOSHA will be conducting random onsite inspections to ensure that the Governor's mandates are followed and implemented accordingly.

Failing to comply with the Governor's Declaration of Emergency Directive 003 and associated, promulgated regulations, or guidance will be considered non-compliance with these mandates and may result in the penalizing or closure of any construction site or project that falls under the scope of the Governor's Emergency Declaration. (Ref. Sections 9 & 10 of Declaration of Emergency Directive 003)

Thank you in advance for addressing the concerns of the State of Nevada in a timely fashion.

Sincerely,

Jess Lankford

Chief Administrative Officer NVOSHA

For any further guidance use the following links:

Federal OSHA - <https://www.osha.gov/SLTC/covid-19/>

Center for Disease Control and Prevention - <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>

State of Nevada - <https://nvhealthresponse.nv.gov/>

Nevada OSHA Information: <http://dir.nv.gov/OSHA/Home/>