

ALERT CONSTRUCTION



Governor Releases Guidance for Construction Industry in Pennsylvania

Governor Tom Wolf [announced](#) on April 23, 2020 that the construction industry in Pennsylvania may resume in-person operations starting Friday, May 1, 2020 – one week earlier than previously announced. Governor Wolf also issued “stringent” guidance intended to protect construction workers and the public when construction operations resume. This guidance “provides universal protocols for all construction activity, as well as specific additional guidance for residential, commercial and public construction projects.”

Among the requirements:

- All persons present at a work site must wear masks/face coverings unless they are unable for medical or safety reasons and businesses must establish protocols upon discovery that the business has been exposed to a person who is a probable or confirmed case of COVID-19.
- All construction projects must maintain proper social distancing and provide hand washing and sanitizing stations and protocols for high risk transmission areas.
- Businesses must identify a “pandemic safety officer” for each project or work site or, for large scale construction projects, for each contractor at the site.
- Residential construction projects may not permit more than four individuals on the job site at any time, not including individuals who require temporary access to the site and are not directly engaged in the construction activity.
- For non-residential or commercial projects, no more than four people are permitted for spaces of 2,000 square feet or less, with one additional person allowed for each additional 500 square feet of enclosed area over 2,000.
 - Note that enclosed square footage includes “all areas under roof that are under active construction at the time.”
- Commercial construction firms should also “consider strongly” establishing a written safety plan for each work location containing site specific details to be shared with all employees and implemented and enforced by the pandemic safety officer.
- Owners of public construction projects are encouraged to “use best judgment in exercising their authority to conduct critical construction

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projects” and to “postpone non-essential projects and only proceed with essential projects when they can implement appropriate social distancing and cleaning/disinfecting protocols....”

- o This means contractors performing work on public projects should not resume work until directed to do so by the applicable government unit.
- Local governments may elect to impose more stringent requirements than those contained in the guidance.

Local officials are tasked with ensuring all construction businesses are aware of the guidance and for notifying businesses regarding any complaint of noncompliance that is received.

Questions about whether the guidance applies may be emailed to the Department of Labor and Industry at RA-LIBOIS-BUILDINGS@pa.gov.

Babst Calland’s [construction attorneys](#) are available to assist you with addressing or responding to any COVID-19-related impacts under this guidance. For more information, please contact Marc J. Felezzola at 412-773-8705 or mfelezzola@babstcalland.com, David E. White at 412-394-5680 or dwhite@babstcalland.com, or James D. Miller at 412-394-6438 or jmiller@babstcalland.com.

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