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Good Morning.

With current emergency declarations put into effect on State, county, and local levels, and in light of current executive orders and advisements, I am taking a few moments to provide some outreach, guidance, and talking-points to address potential exposure to COVID-19 as it relates to work-activities being done on construction-sites. I would like to emphasize that, at this time, there has been no heightened risk specific to the construction industry identified or communicated above what is already recognized within our communities. However, there are some jurisdictions outside of Minnesota that have already suspended construction-activities (e.g. State of Pennsylvania Highway Dept.; City of Boston, MA).

Present emergency declarations, executive orders, and regulations are aimed at mitigating and prolonging the spread of COVID-19, in order to promote a limited demand upon our health-care infrastructure. Directly, our communities are drastically reducing the means/modes by which we gather publicly, including schools, universities, libraries, restaurants, bars, amusement places, places of worship, and even government service facilities (just to name a few). Employers are being advised (and in some cases required) to limit gatherings to those that are necessary, ensure gatherings not exceed fifty persons, and avoiding gatherings that involve cross-sections of the community. Our criminal justice system is engaged in suspending visitation and appearances … our transportation system is being limited … and permits are being restricted from being issues for public gatherings and assemblies. Our leaders are – under the advisement of experts – directing the public to “stay at home”, and not “interact with others as much as possible” as to give us the best chance to minimize the spread of this epidemic. The potential number of workers, subcontracted work-crews, and cross-section of employers present the same considerations being targeted with varying social restrictions.

Congruent with these principles, I impart that we should seize every opportunity at this time to be as cautious and responsible as possible – and if there is an opportunity to prevent one exchange – it is both reasonable and prudent to do so. The function of the following is not to promote a “shut-down” of construction projects, nor create a sense of “over-reaction”, but encourage management-teams to move forward with a sense of prudence and responsibility to do what they can to mitigate the escalation of COVID-19 cases.

I recommend that you evaluate your current operations, and evaluate its potential effects on facilitating interactions that may continue to promote the spread of COVID-19. Keep in mind that persons are not able to detect whether or not they have been exposed to the virus … cannot readily ascertain whether or not they have been infected … and whether or not they are exposing others to the virus before symptoms have developed. Although personal hygiene and infection control practices are available, the reliance of a community-wide adoption of these practices has yielded an increase of diagnosed cases. Please keep in mind that, over the next few weeks, all are being encouraged to adopt reasonable measures to minimize the spread by minimizing face-to-face contact between persons. Here are some relevant talking-points for your work-sites and/or organizational operations:

1. **Business Continuity Planning:** Employers/Contractors must recognize that current “declarations” have identified and recognized that we are in a state of “community mitigation”. Employers should be regularly engaged in comprehensive discussions to evaluate for the implementation of mitigation-activities as recommended by the Centers of Disease Control (See “ Workplaces” on Page 6 at the following web-link: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/community-mitigation-strategy.pdf> );
2. **Right-To-Know Training:** As provided under Minn. Rul. 5206.0600, employees must be trained on potential and/or foreseeable exposure to “Infectious Agents”, which includes the virus-strain associated with COVID-19. I have provided a Fact Sheet developed by the Center for Disease Control for COVID-19 (See Attached). Keep in mind that emphasis should be provided onto the “chain of infection”, addressing how the virus is readily contracted; Empowerment through accurate and responsible education and awareness is a fundamental tool that will protect all of use during these times;
3. **Limit Gatherings:** Although site-wide talks and group-based training are traditionally preferred, employers should focus on minimizing the size/number of groups, and seize opportunities to use technology, “remote work-activities”, and “distance learning” to minimize the amount of in-person contact;
4. **Limit Non-Essential Travel:** Employers should ensure that non-essential work-related travel is minimized;
5. **Social Separation:** Employers should take some time to evaluate each of the work-sites, and promote separation of workers and work-crews to minimize crews working in close proximity (i.e. at least six-feet), and maximize distances, to minimize the exchange of the virus. These practices should be communicated to work-crews at the work-sites, and constantly monitored and emphasized;
6. **Site-Scheduling:** Employers should evaluate for opportunities to reschedule and reassign trades to promote staggered crew-schedules, crew-separation, and minimization of activity cross-over (e.g. designated work-areas at the work-site; separated time-frames and/or work-days);
7. **Hygiene Practices:** Employers should ensure that facilities and products are provided, maintained, and are accessible at the work-sites to promote strong hand-hygiene, and ensure that work-surfaces (including shared equipment) are disinfected at least daily (and more frequently as necessary). Products include, but are not limited to, 60%-70% alcohol-based hand-sanitizer, disinfection wipes (here is a web-link to the EPA’s list of products that meet Registration Criteria: <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2> );
8. **Evaluate Contracts for Clauses Involving “Force Majeure”:** Employers should ensure they have facilitated discussions with legal counsel to assess whether their contracts address adversity related to lost time, delays, and performance-related terms that may be attributed to COVID-19 as well as potential mandatory shut-downs due to break-down of supply-chains, unavailability of workers, suspension of government services (e.g. permits, inspections), and even formal declarations and/or restrictions; These clauses may impact decisions relative to promoting employee-safety and public-health;
9. **Communicate Regularly:** Employers should promote healthy discussions and disclosures involving employees who exhibit signs of illness – and encourage employees to remain secluded at home if they are symptomatic. Employers should encourage employees to be aware of friends and family-members who exhibit symptoms as to prevent exposing co-workers;

Please consider these advisements, and facilitate discussions to evaluate how your operations can most prudently move forward. Keep in mind that this is not foreshadowing of potential decisions being made within the various governments.

At present, I have suspended all of my work-related on-site visits, training-visits, and work-activities through Monday, April 6th, and will re-evaluate conditions and circumstances at that time. I would like to emphasize that I am still available to you via Email and/or phone, and you are welcome to contact me directly with any additional questions or concerns as they arise.

Be wise, be prudent, and be safe.

Regards,

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