

STATE OF NEVADA

Steve Sisolak
Governor

Terry Reynolds
Director



Ray Fierro
Administrator

Victoria Carreón
Deputy Administrator

Jess Lankford
Chief Administrative Officer

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

March 26, 2020

Ref: March 18th, 2020 Nevada Governor's "Nevada Health Response COVID-19 Risk Mitigation Initiative."

To Whom It May Concern,

In recent days the administration of the Nevada Occupational Safety and Health Administration (NVOSHA) has conducted intermittent surveys of active construction sites in Nevada. At many of these work sites it is visibly obvious that employees are still being directed/allowed to work in close proximity (less than 6 feet of separation) to other staff.

On March 18th, 2020 NVOSHA published a set of guidelines in support of the March 18th Governors mitigation initiative, which are available at:

[http://dir.nv.gov/uploadedFiles/dirnv.gov/content/home/features/OSHA%20COVID%2019%20Guidance%20\(004\)\(1\).pdf](http://dir.nv.gov/uploadedFiles/dirnv.gov/content/home/features/OSHA%20COVID%2019%20Guidance%20(004)(1).pdf)

The NVOSHA guidelines referenced construction operations and provided the following:

Construction:

- ▶ Restrict meetings, safety meetings/tailgate talks, and gatherings to no more than 10 people. (Ref. - Guidance on Preparing Workplaces for COVID-19, OSHA 3990-03 2020)
- ▶ Establish effective social distancing protocols, which ensure that staff maintain a 6 foot personal separation from other staff during meetings, discussions, etc. where 10 people or less are present. Ensure that social distancing protocols are maintained during operation of mobile service equipment designed for 2 or more passengers including, but not limited to, man lifts, scissors lifts, etc. (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)
- ▶ Maintain 6 foot separation protocols for labor transportation services, such as buses, vans, etc.
- ▶ Conduct daily surveys of changes to staff/labor health conditions. **NV OSHA 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 infections disease. (29 CFR 1910.1030)

LAS VEGAS
3360 West Sahara Avenue
Suite 200
Las Vegas, NV 89102
(702) 486-9020

RENO
4600 Kietzke Lane,
Building F-153
Reno, NV 89502
(775) 688-3700

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

On March 20th, 2020 the Governor of Nevada set forth a Declaration of Emergency Directive 003, which is available at: <https://nvhealthresponse.nv.gov/wp-content/uploads/2020/03/2020-03-20.Declaration-of-Emergency-Directive-003.pdf>

In this declaration, within Section 6, the Governor states specifically “Business sectors operating under this authority must comply with any applicable COVID-19 risk mitigation policies, as further defined in regulations promulgated under this Directive, and any precautionary measures and guidance that shall be promulgated by Nevada Department of Business and Industry.” Section 8 states, in part, “Businesses ... may continue operations, ..., if they are able to implement social distancing safeguards for the protection of their employees...”. (Emphasis added).

As a result of the “Emergency Directive 003” the NVOSHA COVID-19 response guidelines for construction are required.

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.

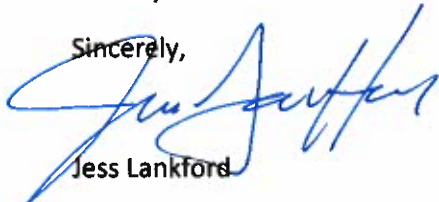
If you are receiving this memo and are associated with a building group or association we request that you immediately distribute this memo to all General Contractors, Subcontractors, or any other representatives of construction sector businesses that this information may apply to, including but not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

NV OSHA 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 Emergency Declaration 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 the Nevada Emergency Declaration 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

CC:

Terry Reynolds

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