



April 10, 2020 as of 5:25pm

An Update from MCAC on COVID-19

Weekly Headlines:

Tips to Keep California Building, City of Los Angeles Updates Worker Guidelines and Mask Requirements Get Stricter in Southern California

Hello again everyone. Thought for the day: "Big hills require **BOLD** moves."

COVID-19 has presented us with a mountain! I know many of you are making some very big decisions for your health, your families and your companies right now.

We are hearing from dooms-dayers and Polly-Anna's every day. I believe the trick is to keep your wits about you and look for opportunity and act when you see it.

Stay strong. Stick to facts. Work the problem. Be BOLD. We've got this!

I. Tips and Tools to Keep Building in the Midst of COVID-19

HEALTH AND SAFETY

We are fortunate that, for now, construction is classified as an ["essential"](#) workforce in California. Therefore, it is critical that construction industry stakeholders work together to keep construction sites open and safe for all. Prioritize measures to ensure the health and welfare of your workforce. Provide the necessary personal protective equipment. [Train your employees about COVID-19 safety](#). Follow directives from the project owner and general contractor and comply with regulatory safety rules.

OSHA has modified its [Enforcement Guidance for Respiratory Protection](#) to allow extended use and reuse of respirators. Key provisions of the guidance are shown below.

- *"...all employers should reassess their engineering controls, work practices, and administrative controls to identify any changes they can make to decrease the need for N95 respirators. Employers should, for example, consider whether it is possible to increase the use of wet methods or portable local exhaust systems..."*
- *"If respiratory protection must be used, employers may consider use of alternative classes of respirators that provide equal or greater protection compared to an N95..."*
- *"In the event extended use or reuse of N95 FFRs becomes necessary, the same worker is permitted to extend use of or reuse the respirator, as long as the respirator maintains its structural and functional integrity and the filter material is not physically damaged, soiled, or contaminated (e.g., with blood, oil, paint)."*

- "Employers may use only previously NIOSH-certified expired N95 FFRs found at www.cdc.gov/coronavirus/2019-ncov/release-stockpiled-N95.html. Workers should be notified that they are using expired N95s."

INSURANCE

Insurance policies can help mitigate the effects of shutdowns and delays. Check your policies to see what types of situations are covered.

Business interruption coverage covers loss of income after a disaster and may offer aid depending on the terms of the policy and whether the impact of the virus constitutes an "occurrence".

Force majeure provisions allow work to be suspended or terminated when certain extenuating circumstances arise. Qualifying force majeure events will vary by jurisdiction and contract and could apply in some coronavirus-initiated situations.

Workers compensation is intended to provide wage assistance and medical benefits to workers for job-related injuries and illnesses. Work closely with your workers compensation carrier to ensure eligible claims are filed.

CONTRACTS

Whether negotiating contracts in play or for future projects, consider adding terms to protect against delay penalties, labor and material price increases, and other impacts of COVID-19.

Give notice. If you haven't done so already, provide notice to the general contractor about the real impact of building during the Pandemic.

- Communicate labor shortages, material delays, hygiene concerns, etc.
- Review your subcontract and follow the notice timeline and requirements.
- Do not assume a time extension or an additive change order will be automatically issued without your request.

Price acceleration provision generally provides that the contractor may adjust the contract price to reflect the revised actual cost of the labor and materials. Consult legal counsel to make sure you're protected.

II. Five Southern California Regions *Require* Face Coverings

- [The City of Beverly Hills](#), [The City of Los Angeles](#), [Riverside County](#), [San Bernardino County](#) and [San Diego County](#) are *requiring* face coverings for essential employees and/or residents.
- Bay Area and Orange County are *recommending* but not yet requiring. I expect these regional requirements will keep coming, like everything else COVID-related, *at warp speed*. So, check your local jurisdiction for current mandates.
- Failure to comply may result in businesses refusing to admit persons, fines, and jail time.
- Each jurisdiction has its own caveats but the sweeping action is to make sure that, at a minimum, interactions with essential businesses include wearing face masks.
- Home made masks are recommended so that medical-grade masks and N95 respirators are available to healthcare professionals and others on the front line of combating COVID-19.
- Riverside County now has an [app](#), RivCoMobile, to allow reporting of COVID order violations.
 - Violations may include non-essential businesses in operation, oversize gatherings, and lack of masks or social distancing protocols.
 - Users are asked to provide an address and the type of violation and may provide a photo in support of their claim.

[CDC tutorial on home-made cloth face masks](#) No sewing involved for two of the samples they provide.

[Surgeon General Face Mask Video](#)

III. Los Angeles City issues UPDATE to [COVID-19 Safety Guidance for Construction Sites](#) on April 10. (Original issued March 31)

- April 10 Revision clarifies face coverings, hand washing and restroom criteria. Reference changes to the following item numbers.
 - #3, NEW #15 and #16
- Sixteen (*originally Thirteen*) listed protocols include three NEW items:
 - all workers and visitors on site to wear face coverings
 - employees to be permitted to wash hands every 30 minutes
 - employees must have access to clean sanitary restroom
- Compliance will be verified during regular scheduled inspections and complaint investigations.

We wish you a wonderful Easter weekend. Stay safe and be well!

Sincerely,

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