

NEWS ALERT

CONSTRUCTION GROUP



Massachusetts Allows All Construction to Proceed Effective May 18, 2020, Provided There's Compliance with Mandatory Safety Standards

By Andrew G. Wailgum and Sara P. Bryant | May 18, 2020

On May 18, 2020, as part of their [Reopening Massachusetts Plan](#), Governor Baker and Lt. Governor Polito announced that all construction in Massachusetts can proceed effective immediately. However, in order to proceed with a project the contractor must comply with the mandatory safety standards including the [Sector-Specific Protocols](#) and self-certify to that effect.

Many of the required safety protocols already have been implemented on essential projects that were ongoing during the shutdown, but today's guidances provide a comprehensive set of requirements directed towards keeping job sites safe as construction activities resume and going forward.

Of note in the Massachusetts construction-specific protocol are the following:

- a site-specific COVID-19 Officer shall be designated for every site (except work in 1-3 family residences);
- the COVID-19 Officer shall submit a written daily report to the project owner's representative certifying that the contractor and all subcontractors are in full compliance with the COVID-19 Construction Safety Guidance;
- for large, complicated construction projects, a city or town may additionally require the owner to develop and submit a site-specific risk analysis and enhanced COVID-19 safety plan;
- for all public projects (undertaken, managed or funded by a state agency or authority) there shall be joint enforcement responsibility between the project's public owner and the city or town where the project is located, with the public owner having the lead responsibility for compliance and enforcement;
- cities and towns are authorized to enforce the COVID-19 Construction Safety Guidance using their public health staff, building inspectors or any other appropriate official or contractor;
- cities and towns may enforce the safety and distance protocols including by requiring the owner and/or contractor to suspend work until a corrective action plan is prepared, submitted and approved; and,
- the city or town may require the owner of a large, complicated private project to pay for an independent, third party inspector or inspection firm (or to pay into a pool to pay for such inspections).

The goal of these requirements is obviously to keep workers safe and allow Massachusetts' robust construction industry to get back to work. Time will tell whether this can be achieved, and in fact the plan provides that specific industries, regions and/or the entire Commonwealth may need to return to previous restrictions if public health data trends are negative. However, if everyone practices strict compliance hopefully this will not be necessary.

If you have any questions, please do not hesitate to contact us.

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