

Subject: Ongoing Efforts to Support the Clean Energy Industry through the COVID-19 Response and Phase 1 of Regional Reopening



New York State Energy Research and Development Authority

Dear NYSERDA Contractors and Program Participants,

On behalf of NYSERDA and our entire staff, I hope you and your loved ones have stayed healthy and safe during the COVID crisis. As our situation here in New York State continues to evolve, New Yorkers have endured perhaps the most trying period in our history, claiming the lives of more than 20,000 of our fellow citizens and radically upending the livelihoods of millions more. Now in mid-May, we can take some solace in the fact that we are finally, as Governor Andrew M. Cuomo put it, “on the other side of the mountain”, with many critical indicators pointing in the right direction. NYSERDA has been proud to be part of the New York State response led by the Governor, and we are eternally grateful for the tremendous sacrifices our residents and businesses have made to help avert the very worst of what the crisis could have been. We remain resolute in our commitment to doing everything in our power and authority to provide you with assistance in the weeks and months ahead.

We have seen the staggering numbers of job losses in the clean energy industry not only in New York but across the country, and we understand there is great eagerness to reopen. NYSERDA has been working closely with our State partners on [NY Forward](#) and in preparation for the safe and [phased regional re-openings](#) that Governor Cuomo has recently outlined. We know that we must take a deliberate and thoughtful approach to ensure a safe and productive reopening of our economy, and one that minimizes the risks of a resurgence in the COVID-19 virus. For the clean energy sector, including firms that participate in our programs, many business activities will restart as part of a region's Phase I reopening, falling within the ‘Construction’ category and sub-categories. Therefore, it is imperative that we approach the return to work with full adherence to guidelines and protocols to ensure the health and safety of our clean energy workers and New Yorkers across the state.

As a part of the NY Forward effort, and pursuant to [Executive Order 202.31](#), clean energy construction activities will need to follow the [Interim Guidance for Construction Activities](#) during the COVID-19 Public Health Emergency put out by the Department of Health (DOH), and also adhere to the information included in the [FAQ](#) on NY Forward and Business Reopening maintained by Empire State Development. In conjunction with these NY Forward resources and directives, we have been working closely with our other State energy agencies and the state’s investor-owned utilities to plan for the reopening of non-essential energy and clean energy

activities, and we have collaborated to develop guidance and information that will help you and your employees plan for a safe return to work.

We are pleased to announce a new pre-recorded webinar, which will be available for viewing on [NYSERDA's COVID-19 website](#) on Tuesday, May 19. In the meantime, we are making the slides available for your review on our COVID-19 website so that you have an advanced resource prior to the posting of the webinar. This webinar will provide an overview of the re-opening and will walk through the DOH guidance on safe construction activities that we expect you to review, distribute to your employees, and attest that you have done so. In addition, we will continue to provide guidance and best practices related to safely returning to work for your employees and customers, consistent with the NY Forward re-opening plan. We recognize the significant uncertainty and questions you are likely facing and thinking through now and as we reopen. We hope this webinar and these resources will be valuable as you develop your own company-specific plans and preparations for reopening.

We also call your attention to the specific attestation requirement included in the [DOH construction guidance](#), by which you will certify and confirm that you and your employees will abide by proper precautions when returning to work. For every company or firm participating in State or investor-owned utility clean energy programs, one authorized representative from every company must, as a prerequisite to undertaking any clean energy construction work, attest that they have reviewed the DOH construction guidance and shared its contents with all company staff. The attestation is embedded within the DOH construction guidance and it is advised that all companies and firms maintain a copy of such attestation for their records. This Interim Guidance for Construction Activities during the COVID-19 Public Health Emergency was created to provide owners/operators of construction projects and their employees and contractors with precautions to help protect against the spread of COVID-19 as indoor and outdoor construction sites reopen.

These guidelines are minimum requirements only and any employer is free to provide additional precautions or increased restrictions. These guidelines are based on the best-known public health practices at the time of Phase I of the State's reopening, and the documentation upon which these guidelines are based can and does change frequently. Construction sites must adhere to all local, State and federal requirements relative to construction activities. All construction-involved entities are also accountable for staying current with any updates to these requirements, as well as incorporating the same into a company specific Business Safety Plan that each business is required to develop, maintain, and post at each work location. The State has provided a template to assist you in developing the Business Safety Plan, which is available through the NY Forward website as well as NYSERDA's COVID-19 webpage. While these plans do not need to be submitted to NYSERDA or any State agency for approval, they

must be retained on the premises of the business or construction site and must be made available to the New York State Department of Health (DOH) or local health or safety authorities in the event of an inspection.

As you know, these requirements are for the safety of you and your employees, and New Yorkers generally. And it goes without saying, NYSERDA and other program administrators and agencies are going to be taking compliance and enforcement of these requirements very seriously. Non-compliance will result in disciplinary action, and in the case of NYSERDA, this may include stop work directives or ineligibility to participate in programs.

While our immediate focus has been on developing these resources and preparing for a smooth and safe return to work, we have also not lost sight of our commitment to the programmatic modifications needed – both near-term and forward-looking – that will be critical in helping clean energy projects and programs remain a key engine of economic activity for New York State’s recovery. We have received your input through webinars, comments, and other forums, and we hope the many near-term program modifications we have since put in place have provided meaningful flexibility and relief for your companies. Looking beyond the near-term, however, we recognize that the magnitude of the challenges facing our economy will require new thinking and creative approaches, or as the Governor says, a “reimagining” of how we’ve conducted business in the past for the new future. We want you to know that we are unwavering in our commitment to the State’s ambitious climate and clean energy objectives, and we will strive for continued progress as we merge and align the imperative of the climate crisis with the new urgency of the economic recovery efforts across the Empire State.

Thank you for all of the hard work, sacrifice, and patience you have provided over the past couple of months. We look forward to continuing to partner together to build New York back better and stronger. As always, Excelsior.

Sincerely,

Alicia Barton

NYSERDA President & CEO