



Department
of Public Service

NYSERDA

NY Power
Authority

Department of
Environmental
Conservation



TO: Clean Energy Industry Businesses and Employees
FROM: New York State Energy and Climate Agencies
DATE: May 23, 2020
SUBJECT: Ongoing Efforts to Support the Clean Energy Industry through the COVID-19 Response and Regional Reopening

Dear Members of the Clean Energy Industry:

On behalf of our respective agencies and staff, we hope you and your loved ones have stayed healthy and safe during the COVID crisis. Since we last wrote to you at the beginning of April, New Yorkers have endured perhaps the most trying period in our history, claiming the lives of more than 25,000 of our fellow citizens and radically upending the livelihoods of millions more. While we are beginning our slow path to recovery, we are mindful of the staggering numbers of job losses in the clean energy industry not only in New York but across the country.

Together, our agencies have 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 outlined. As laid out in NY Forward, 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 virus transmission. While never halted completely, all business activities will restart as part of a region's Phase I reopening. Significantly the Phase I 'Construction' category and sub-categories, as defined under NY Forward, will be permitted to restart work in a region that is open for Phase I.

In addition, construction and construction-related activities relating to the development, construction, operation and maintenance of renewable energy generation and storage, as well as electric vehicle (EV) charging stations for commercial and governmental sites may be continued, or started now statewide, with the exception of new solar projects at residential sites, which must continue to await a region's Phase I opening. Finally, we want to inform you that our agencies are aligning with Empire State Development's (ESD) single-worker designation, which allows for statewide activity by a single worker who is the sole worker on a project site. 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, all 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 ESD. In conjunction with these NY Forward resources and directives, our agencies have also been working closely together 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 that our agencies will co-host and pre-record a new webinar that will provide an overview of the re-opening/ continued operations and will walk through the DOH guidance on safe construction activities that our agencies expect you to review, distribute to your employees and contractors, and attest that you have done so. The pre-recorded webinar will be available for viewing on [NYSERDA's COVID-19 website](https://www.nyserda.ny.gov/ny/COVID-19-Response) and we will notify you when it is available. In addition, our agencies have and 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 draw your attention to NYSERDA and NYPA resources, in particular, and encourage you to monitor the communications from all our agencies as well.

NYSERDA - <https://www.nyserda.ny.gov/ny/COVID-19-Response>

NYPA - <https://www.nypa.gov/about/covid-19-response>

We recognize the significant uncertainty and questions you are likely facing and thinking through now and as we reopen. We hope the forthcoming 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 affirmation requirement included in the [DOH construction guidance](#), by which you will certify and affirm 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, either as a contractor or sub-contractor, 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. 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, contractors and sub-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 this time, 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 any construction activities and/or Site Safety Plan, the development and posting of which is a requirement of the DOH construction guidance. As you know, these requirements are for the safety of you and your employees, and New Yorkers generally.

While our immediate focus has been fighting and responding to this epidemic, 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,



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