

Construction Sites Specifically Included In Governor's Face Mask Order 6/24/2020

Dear Builder Members:

This just released by the NC Home Builders Association:

This afternoon Governor Roy Cooper issued [Executive Order 147 \(Order\)](#) which requires face covering at various business, manufacturing and other settings. Construction sites are specifically included:

*7. In Certain High-Density Occupational Settings Where Social Distancing is Difficult. Social distancing is inherently difficult where multiple workers are together in manufacturing settings, **at construction sites**, and in migrant farm, other farm, and agricultural settings. Therefore, in businesses or operations within North American Industry Classification System (NAICS) sectors 311 to 339 (manufacturing), **236 to 238 (construction)**, and 111, 112, 1151, and 1152 (agriculture), **all workers must wear Face Coverings when they are or may be within six (6) feet of another person.***

These requirements **become effective at 5:00 pm on Friday, June 26, 2020**, and remains in effect through 5:00 pm on July 17, 2020, unless repealed, replaced or rescinded by a subsequent order.

A face covering (mask) is defined under the Order as:

***"Face Covering"** means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is simply wrapped around the lower face. A Face Covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Ideally, a Face Covering has two (2) or more layers. A Face Covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels.*

Among the **exceptions to the face covering rule** which may be applicable to a construction site include:

1. Should not wear a Face Covering due to any medical or behavioral condition or disability (including, but not limited to, any person who has trouble breathing, or is unconscious or incapacitated, or is otherwise unable to put on or remove the face covering without assistance);
7. Is working at home or is in a personal vehicle;

10. Has found that his or her Face Covering is impeding visibility to operate equipment or a vehicle;

Face Coverings are also required in public or **private transportation** (e.g., to and from the jobsite) including *“ride-shares, cabs, vans and shuttles, even if the vehicles are privately owned.”*

Enforcement of this order will be by local and state law enforcement personnel who may issue citations to businesses or organizations “who fail to enforce the requirement to wear Face Coverings.”

Today’s Executive Order 147 extends the previous requirements of [Executive Order 141](#) which included limitations on mass gatherings and other matters.

Mike Carpenter
NCHBA Executive Vice President & General Counsel