

**EMERGENCY ORDER No. 6**  
**EFFECTIVE TUESDAY, APRIL 21, 2020**  
**OF THE NANTUCKET BOARD OF HEALTH**  
**COVID-19 BACK TO WORK**  
**PROGRAM FOR LANDSCAPING**  
**PHASE 1**

**PURPOSE:**

To provide the landscaping community on Nantucket the ability to maintain individual sites and preserve vegetation, life and health while still practicing social distancing and procedures to help prevent the spread of COVID-19. The intent of this protocol is to be able to maintain health of existing landscaped areas, not to install new or substantially alter landscaped areas. Much of this work is time sensitive as lawns and plants come out of winter dormancy and immediate steps need to be taken to prevent potential long-term health problems or plant loss. This level of work shall be allowed with strictly adhered to protocols as listed below. This protocol shall remain in place until the state of emergency is lifted. Protocols will not include installation of hardscaping or new landscape installations. This exemption shall only apply to the maintenance of existing living plants.

**Status of Emergency Order No. 1**

So much of Emergency Order No. 1, as supplemented on April 2, 2020 (“Emergency Supplemental Order”) that prohibits commercial landscaping is hereby repealed and replaced with the following. All other aspects of Emergency Order No. 1 and the Emergency Supplemental Order that do not relate to commercial landscaping shall remain in full force and effect, subject to Emergency Order No. 5.

**Part 1: Allowable Landscaping**

The following landscaping activities may be performed by commercial landscaping companies, provided that the work is done in accordance with the requirements of this Order:

Primary Activities:

The following activities may begin on Tuesday, April 21, 2020:

Initial site openings and maintenance:

- Removal of plant wraps, mounds or covers (burlap from evergreens, other covers)
- Removal of debris or dead material
- Pruning as necessary to maintain plants in good health
- Tick tubes
- Deer Spraying
- Stabilization of loose soils within planting beds
- Watering of existing vegetation

Greenhouse/growing operations:

- Planting of bare root material to maintain plant health
- Watering as needed to maintain plant health

- Potting or transfers as needed to maintain plant health
- Receipt and processing of previously ordered plant material

#### Irrigation System Commissioning:

- Initial startup and repair of irrigation systems
- Occupied properties – water must be on prior to work on system; no entry to living spaces is allowed. Basements or crawlspaces maybe accessed through direct exterior access points (bulkheads, panels) with no other person(s) present.
- Unoccupied properties – access to turn on water is allowed; all surfaces touched must be disinfected.

#### Lawns:

- Lime, Pre-emergents, pesticides or herbicides applied by properly licensed applicators
- Installation of grass/lawn to stabilize loose soils

#### Trees and shrubs:

- Cutting or pruning as needed to maintain plant health only or for safety purposes.
- Pre-emergents, pesticides or herbicides applied by properly licensed applicators

#### Golf Courses:

- Golf Courses that comply with site-specific orders of the Board of Health

#### Secondary Activities

The following activities may begin on Tuesday, April 28, 2020

- Mowing of lawns
- Installation of mulch or similar cover
- Application of fertilizers
- Other basic site maintenance
- Installation of greenhouse/stored material as needed to allow for the health of plants

#### Private Jobs

- Any landscaping work performed by one or more persons who actually reside on the site and who are not compensated for their work.

**Except as provided above, all other commercial landscaping is prohibited.**

#### **Part 2: General Protocols:**

### **APPLICATION PROCEDURE**

1. To request authority to proceed with an allowable project, the Application for Approval of Work form (<https://nantucket-ma.gov/FormCenter/Landscaping-Form-49/APPLICATION-FOR-APPROVAL-OF-WORK-AUTHORI-157>) shall be completed and submitted via the Town's website.

2. Staff will endeavor to review and process the application in as short a time as possible and a response will be provided to the designated COVID-19 Officer by e-mail. If e-mail is not available a response can be made by phone.
3. If the application is approved, a copy signed by an Agent of the Board of Health shall be returned to the COVID-19 Officer requesting approval.
4. In order for work to proceed, the COVID-19 Officer and each crew member must display a copy of the authorization on the site conduct the Safety Stand Down as set forth below.

### **SAFETY STAND DOWN**

1. All sites with more than one worker **MUST** conduct a Safety Stand Down to disseminate and explain these Policies and Procedures to all employees, contractors, vendors and workers on the site upon the commencement of operations after issuance of approval and the commencement of each subsequent shift on that date. There shall be no work conducted on the site during the stand down, which shall take place during the first fifteen (15) minutes of each shift.
2. Each employee, contractor, vendor and worker on the site and the property owner shall sign a certificate that they have received and read this Order and that they will comply with the requirements hereof. Such signed certificate shall be retained by the COVID-19 officer and shall be available for inspection upon request. All notices must be translated for non-English speakers.
3. A copy of this Emergency Order No. 6 shall be conspicuously posted at the work site in such places as will be seen by workers and visitors to the site, including but not limited to at or near all employee entrances and break areas.
4. A Placard on a form provided by the Natural Resources Department shall be posted at each jobsite with the name, phone number and e-mail address of each COVID-19 Officer responsible for the site. The Placard shall also include information for employees or property owners to report violations of this Order. No employee shall be penalized for making such a report.
5. Each company shall designate one or more COVID-19 officer(s) and provide their name and contact information to the Board of Health, Building Commissioner and PLUS Department. This step shall be completed by each company by completing and filing the attached form and prior to commencing work. At least one COVID-19 officer shall be on-site at all times that workers are on-site and they shall be required to ensure that the requirements of this Order are strictly adhered to by all persons on-site.
6. The COVID-19 officer shall maintain a log of each employee, contractor, vendor, and worker on the site each day. The log shall include the arrival and departure time of the worker, method of transportation (company vehicle, personal vehicle, bicycle, etc.), the

worker's home address, the worker's phone number and confirmation that the worker was screened and did not show any signs of being sick.

### **ZERO TOLERANCE FOR SICK WORKERS REPORTING TO WORK**

1. No person shall be permitted to enter the job site if they are exhibiting the symptoms below, and any person exhibiting any of the symptoms below, **MUST** report such symptoms to a supervisor of the COVID-19 Officer (via phone, text or email) immediately, and head home from the job site or stay home if already there.
2. Anyone who notices another person on the job site showing signs or complaining about such symptoms, shall report such observations to a supervisor or the COVID-19 Officer (via phone, text or email) and such symptomatic person shall be directed to leave the project site immediately.
3. The COVID-19 Officer shall make a written report of every person dismissed from or refused access to a jobsite due to the presence of COVID-19 symptoms. Said report shall include the person's name, home address, symptoms shown, date and time of dismissal, areas worked in and measures taken to protect other persons working in that area. Said report shall be provided to the Health Director and all other Supervisors on the jobsite as soon as possible but no later than the end of the work day.
4. If a person is dismissed from the jobsite due to the presence of COVID-19 symptoms, all work shall stop, the all workers shall be dismissed and the person shall not be permitted to return to the site until they are cleared by a medical professional. Prior to resuming work, the contractor shall submit a site specific risk analysis to the Board of Health, the Building Department and the PLUS Department to include, but not be limited to a list of all workers, vendors, inspectors, visitors and other individuals who the suspected worker had close contact with, as well as a description of the areas in which the individual worked, the tools and equipment used and other individuals who had close contact in those areas and the actions taken to clean and sanitize the site. Work shall not resume until the risk analysis and plan are approved by the Town.
5. COVID-19 Typical Symptoms:
  - Fever
  - Cough
  - Shortness of Breath
  - Sore Throat
6. Prior to starting a shift or other work or business on the job site, each person entering the jobsite will self-certify to their supervisor or other designated person that they:
  - Have no signs of a fever or a measured temperature greater than 100.3 degrees,
  - Had no cough or trouble breathing within the past 24 hours,
  - Have not had "close contact" with an individual diagnosed with COVID-19.  
*"Close contact" means living in the same household as a person who has tested positive for COVID-19, caring for a person who has tested positive for COVID-19,*

*being within 6 feet of a person who has tested positive for COVID-19 for about 15 minutes (this includes riding in a vehicle with), or coming in direct contact with secretions (e.g., sharing utensils, being coughed on) from a person who has tested positive for COVID-19, while that person was symptomatic.*

- Have not been asked to self-isolate or quarantine by their doctor or a local public health official.

**Persons exhibiting symptoms or unable to self-certify must be directed to leave the job site and seek medical attention and applicable testing by their health care provider. They are not to return to the job site until cleared by a medical professional.**

### **GENERAL ON-THE-JOB PROCEDURES TO PREVENT EXPOSURE AND LIMIT THE TRANSMISSION OF THE VIRUS**

Each employee of the company shall be issued a copy of the COVID-19 protocols as laid out below. These protocols set forth the minimum standards for safety practices necessary to prevent the spread of COVID-19. All persons working pursuant to this order are strongly encouraged to adopt any other safety measures deemed necessary to protect themselves and others.

- Stagger arrival and departure times of workers as much as possible.
- Hiring preference shall be given to workers who reside on the Island or who are able to remain on the Island for the duration of their work.
- The jobsite and all tools and equipment shall be sanitized the site between shifts.
- All workers shall be required to have a copy of the protocols issued by the COVID-19 officer, which clearly identifies the company, including any subcontractors, for which they are working.
- For any property that is occupied, the owner/occupants shall be given 24-hour notice of the scheduled work by the company that does the work. Workers shall not enter any portion of the property unless they are required to do so to perform their work or related functions.
- All workers must notify the COVID-19 officer prior to coming into any building and must wash hands immediately after entering.
- A supply of washable gloves or nitrile gloves, non-surgical masks, and disinfectants will be distributed to all workers. Gloves and masks shall be worn at all times on the job site.
- Disinfect all equipment before and after use, focusing on ‘touch points’, of power tools and hand tools and the like.
- Only enter offices for bathroom use and immediately wash hands. Disinfect all surfaces after use, including door handles of the bathroom and doors handles to the building.
- Social distancing will be mandatory. Workers will work independently as much as possible and shall maintain six-foot separation at all times unless workers need to be closer together to perform a specific task, and then only to preform that task.
- Communicate via phone, text, FaceTime, Zoom, etc. as much as possible. Document sharing, work lists, timesheets will be through electronic means only. No ‘paper’ will be allowed to be handled by other workers.

- Supplies and materials needed for the work shall be delivered to the site by the vendor when feasible.
- All materials received are subject to a 24-hour quarantine at the discretion of the Health Director. Nitrile gloves must be worn when handling the material after quarantine and while disposing of the material. Items delivered must be disinfected if possible. Finally, gloves should be discarded in the appropriate waste receptacle, and hands washed or sanitized.
- No more than **two (2)** people (Not including one COVID-19 Officer) are allowed on an individual site on any one time.
- Equipment specific (beyond continual disinfecting of all surfaces):
  - All basic equipment, power and hand tools shall be assigned to individuals and not shared. If it is impossible not to share equipment, it must be disinfected in between users.
  - Equipment in need of repair will be left in an area designated by the COVID-19 officer. Workers will communicate equipment issues with the COVID-19 officer via phone or text.
  - Equipment to be repaired must be sanitized prior to drop leaving or returning to the site.
- Only one person shall be in a vehicle at any time when traveling to and from the job site. Assigning of vehicles is encouraged with disinfecting of vehicles in between each use. Vehicles that are shared shall be disinfected in between each user with the COVID-19 officer being notified of the transfer. Personal vehicles are encouraged to be used in place of sharing vehicles. Should an individual travel to a work site by alternative means (NRTA, bicycle, etc.) and not by vehicle, company or personal, the COVID-19 officer shall keep a list of these individuals for their company.
- All fuel tanks, fuel tank caps, door handles and steering wheels shall be disinfected upon any fueling activity of any equipment.
- Employees shall not share any food or drink.
- Employees should be encouraged not to leave the work site during their shift.
- Employees shall not be permitted on the jobsite unless they are on a shift.
- Employees shall be encouraged to bring any food and drink needed during the work day from home.
- Any training shall be done by video if possible, and if required, in as small a group as possible, held outside and following social distancing procedures.
- All gloves, masks or other personal protective equipment (PPE) shall be properly disposed of.
- No person on a jobsite site shall act in a manner which presents an unreasonable threat to the health and safety of other persons on the site or who may enter the site in the future.

### **Part 3: Enforcement**

1. This Order shall be enforced as a regulation of the Board of Health in accordance with Massachusetts General Laws, Chapter 111, Section 31.
2. Any person or company who proceeds with work in accordance with this Order agrees that the jobsite and all related equipment shall be subject to random, unannounced inspections by any person authorized to enforce this Order.

3. The Contractor and COVID-19 safety officer shall be responsible for enforcing this Order on the site and they shall be responsible for any violations, whether or not they participated in or were aware of the violation.
4. Any person or company who violates this Order will be subject to issuance of an immediate COVID-19 related Stop Work Order and an assessment of the maximum penalty authorized by law. Said penalties will be issued both to the company and to the specific person(s) violating the protocols.
5. Any person aggrieved by an order or determination issued pursuant hereto may request a hearing before the Board of Health. This request must be in writing and received by the Board of Health within seven (7) days after the date the order or determination was served. You may attend the hearing and at that time you may produce any documentation and/or witnesses which show that why the order or determination should be reversed or modified by the Board. You may be represented by counsel at your own expense. A request for hearing Does Not operate as a stay of enforcement of an order and you will not be heard by the Board unless you are in full compliance with the terms stated herein.
6. Non-Criminal Disposition  
This Order may be enforced by the Nantucket Health Director, Assistant Health Officer, Agent of the Board of Health, PLUS inspectors, and/or any Police Officer of the Town of Nantucket. Whoever violates any provision of this Order may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws, Chapter 40, section 21D and the Town's non-criminal disposition by-law, Sections 1-2, 1-3, 1-4, 1-5, and 1-6 of the Code of the Town of Nantucket. If non-criminal disposition is elected, then any person who violates any provision of this Regulation shall be subject to a penalty in the amount of three hundred dollars (\$300.00) violation. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
7. Other:  
Whoever violates any provision of this Order may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be one thousand dollars (\$1,000). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

The Nantucket Board of Health may enforce this Order or enjoin violations thereof through any lawful process, and the election of one remedy by the Nantucket Board of Health shall not preclude enforcement through any other lawful means.

So voted by the Nantucket Board of Health on April 19, 2020:

Stephen J. Visco, Chair

Malcolm W. MacNab, MD, PhD, Vice Chair  
James A. Cooper, Member  
Rita Higgins, Member  
Helene M. Weld, RN, Member