



April 16, 2020

Alicia Barton, President & CEO  
New York State Energy Research and Development Authority  
17 Columbia Circle  
Albany, NY 12203-6399

**Re: NY PAUSE - Solar Industry Restart Recommendations**

Dear Ms. Barton:

The COVID-19 pandemic has created unprecedented challenges throughout New York State, and NYSEIA wishes to express our profound gratitude to you, to your hard-working staff at NYSERDA and to others throughout the Cuomo administration for your leadership in addressing this public health and economic crisis.

Through feedback from our more than 100 member firms, NYSEIA has been closely monitoring the outbreak of COVID-19 and its impact on New York's solar workforce. Unfortunately, the COVID-19 pandemic is taking a devastating toll on the solar industry, a toll that deepens with each passing day. NYSEIA is obtaining daily reports from our members across the state about project delays, sales challenges, difficulties in signing up community solar subscribers, employee furloughs and layoffs. Adding to these challenges, the NY PAUSE Executive Order and subsequent guidance on essential business activities have, with few exceptions, effectively halted solar development and installation activities through the length of the PAUSE period.

The gravity of the public health crisis in New York is profound, and we understand the extraordinary steps the administration and NYSERDA have been forced to take in response. Indeed, it is these very steps that have led to early evidence of a "flattening of the curve" in New York, reflecting the effectiveness of these measures. As the Administration and state agencies contemplate reopening New York's economy and do the hard work of balancing considerations of economic recovery against the health and safety risks that persist despite the progress we have made in combatting the spread of the virus, NYSEIA offers the following recommendations with regard to positioning the

solar and storage industries for a robust restart and recovery following the lifting of the PAUSE period.

1. **Solar energy and energy storage should be one of the first sectors to resume work -- with the appropriate safety practices -- following the lifting of the PAUSE period and in-person work restrictions.** Our view here is informed by the following facts:
  - a. Continuing New York's transition to a clean energy economy must remain a critical priority given the existential threat of climate change, and must be reflected in the restart and phase-in of New York's economic activity.
  - b. Solar construction work takes place almost entirely outdoors and is well isolated by its nature, can be done in small groups with appropriate PPE, and social distancing can be maintained effectively.
  - c. The solar industry is much more uniform in its policies, procedures, and compliance than the broader construction industry when compared to it as a whole, and is prepared to adapt its workplace practices flexibly and safely with regard the risks posed by COVID-19.
  - d. Solar construction work has been deemed essential in neighboring states including New Jersey, Massachusetts, Pennsylvania and Connecticut, and solar construction work in those states is currently ongoing. Given Governor Cuomo's emphasis on regional coordination with regard to the reopening of economic activity, it would be consistent to prioritize the restart of solar construction work following the current PAUSE period.
  
2. **NYSERDA and other relevant state agencies should collaborate with the solar and storage industries to establish segment-specific workplace best practices and safety protocols that enable pre-construction and construction work to restart as soon as safely possible.** These practices and protocols include, but are not limited to the following:
  - a. Restrictions on crew count, including worker-per-acre thresholds to mitigate density;
  - b. Daily assessment of worker health and strict use of PPE on project sites;
  - c. Sanitation practices (hand-washing, tool cleaning);
  - d. Social distancing practices.

Once such guidance has been established, NYSEIA recommends that NYSERDA should hold safety protocol/best-practices webinars in preparation for resuming construction activities. We recommend that firms self-certify that they attended these training sessions. The certification could then be used to authorize specific firms to resume work, once the first phase of construction work is allowed to continue.

3. **In keeping with current ESD guidance, NYSEIA requests NYSERDA permit single-person pre-construction work and allow solar/storage projects serving essential businesses to continue construction during the PAUSE period.**
- a. ESD guidance explicitly allows construction to proceed through the PAUSE period for “construction work being completed by a single worker who is the sole employee/worker on the job site.”<sup>1</sup> This point is reiterated by ESD on its FAQ page pertaining to its guidance, where it states that “a single person attending a non-essential closed business temporarily to perform a specific task is permitted so long as they will not be in contact with other people.”<sup>2</sup> Certain solar development activities such as wetlands delineations, site surveys, biological surveys, and geotechnical engineering work often involve one person at a remote, and often large, site. These activities present very little risk of spreading the virus to co-workers or to the general public. We respectfully request that NYSERDA immediately allow this work to proceed through the PAUSE period.
  - b. ESD guidance as of April 9 also allows construction to proceed during the PAUSE period in the event that “the construction is for existing (i.e. currently underway) projects of an essential business.”<sup>3</sup> In keeping with this guidance, NYSEIA requests that NYSERDA allow that solar/storage projects serving businesses deemed essential be allowed to continue construction during the PAUSE period.

On behalf of the more than 10,000 solar and storage workers across New York, NYSEIA thanks you for considering these recommendations, which will protect the health of solar workers and the public while limiting unnecessary economic devastation to the many small- and mid-sized firms that NYSEIA represents. Please contact Shyam Mehta at [shyam@nyseia.org](mailto:shyam@nyseia.org) with any questions about these requests.

Respectfully submitted,

/s/

Shyam Mehta, Executive Director

New York Solar Energy Industries Association (NYSEIA)

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<sup>1</sup> <https://esd.ny.gov/guidance-executive-order-2026>, Section 9.

<sup>2</sup> [https://esd.ny.gov/sites/default/files/ESD\\_EssentialEmployerFAQ\\_033120.pdf](https://esd.ny.gov/sites/default/files/ESD_EssentialEmployerFAQ_033120.pdf), Question 13.

<sup>3</sup> <https://esd.ny.gov/guidance-executive-order-2026>, Section 9.