



INTERIM GUIDANCE FOR COMMERCIAL FISHING SERVICES AND FOR-HIRE VESSELS DURING THE COVID-19 PUBLIC HEALTH EMERGENCY

When you have read this document, you can affirm at the bottom.

As of June 26, 2020

Purpose

This Interim Guidance for Commercial Fishing Services and For-Hire Vessels during the COVID-19 Public Health Emergency (“Interim COVID-19 Guidance for Commercial Fishing Services and For-Hire Vessels”) was created to provide owners/operators of commercial fishing services and for-hire vessels and their workers and contractors with precautions to help protect against the spread of COVID-19 as commercial fishing services and for-hire vessel activities resume or expand upon their current essential operations.

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. The Responsible Parties – as defined below – are accountable for adhering to all local, state and federal requirements relative to commercial fishing services and for-hire vessels. The Responsible Parties are also accountable for staying current with any updates to these requirements, as well as incorporating same into any commercial fishing service and for-hire vessel and/or Site Safety Plan.

Background

On March 7, 2020, Governor Andrew M. Cuomo issued Executive Order 202, declaring a state of emergency in response to COVID-19. Community transmission of COVID-19 has occurred throughout New York. To minimize further spread, social distancing of at least six feet must be maintained between individuals, where possible.

On March 20, 2020, Governor Cuomo issued Executive Order 202.6, directing all non-essential businesses to close in-office personnel functions. Essential businesses, as defined by Empire State Development Corporation (ESD) guidance, were not subject to the in-person restriction, but were, however, directed to comply with the guidance and directives for maintaining a clean and safe work environment issued by the Department of Health (DOH), and were strongly urged to maintain social distancing measures to the extent possible.

On April 12, 2020, Governor Cuomo issued Executive Order 202.16, directing essential businesses to provide employees, who are present in the workplace, with a face covering, at no-cost, that must be used when in direct contact with customers or members of the public during the course of their work. On April 15, 2020, Governor Cuomo issued Executive Order 202.17, directing that any individual who is over age two and able to medically tolerate a face-covering, must cover their nose and mouth with a mask or cloth face-covering when in a public place and unable to maintain, or when not maintaining, social distance. On April 16, 2020, Governor Cuomo issued Executive Order 202.18, directing that everyone using public or private transportation carriers or other for-hire vehicles, who is over age two and able to medically tolerate a face covering, must wear a mask or face covering over the nose and

mouth during any such trip. It also directed any operators or drivers of public or private transport to wear a face covering or mask which covers the nose and mouth while there are any passengers in such a vehicle. On May 29, 2020, Governor Cuomo issued [Executive Order 202.34](#), authorizing business operators/owners with the discretion to deny admittance to individuals who fail to comply with the face covering or mask requirements.

On April 26, 2020, Governor Cuomo [announced](#) a phased approach to reopen industries and businesses in New York in phases based upon a data-driven, regional analysis. On May 4, 2020, the Governor [provided](#) that the regional analysis would consider several public health factors, including new COVID-19 infections, as well as health care system, diagnostic testing, and contact tracing capacity. On May 11, 2020, Governor Cuomo [announced](#) that the first phase of reopening would begin on May 15, 2020 in several regions of New York, based upon available regional metrics and indicators

In addition to the following standards, both essential and non-essential businesses must continue to comply with the guidance and directives for maintaining clean and safe work environments issued by DOH.

Please note that where guidance in this document differs from other guidance documents issued by New York State, the more recent guidance shall apply.

Standards for Responsible Commercial Fishing Services and For-Hire Vessel Activities in New York State

No commercial fishing services or for-hire vessel activity can occur without meeting the following minimum State standards, as well as applicable federal requirements, including but not limited to such minimum standards of the Americans with Disabilities Act (ADA), Centers for Disease Control and Prevention (CDC), Environmental Protection Agency (EPA), and United States Department of Labor's Occupational Safety and Health Administration (OSHA).

The State standards contained within this guidance apply to all commercial fishing services and for-hire vessel activity – both essential and non-essential – in operation during the COVID-19 public health emergency until rescinded or amended by the State. The property owner of the commercial fishing service or for-hire vessels business, or another party as may be designated by the property owner (in either case, "the Responsible Parties"), shall be responsible for meeting these standards.

The following guidance is organized around three distinct categories: people, places, and processes.

I. PEOPLE

A. Physical Distancing

- Responsible Parties must ensure that for any work occurring indoors at a facility, no more than 1 worker per 250 square feet is allowed on site, excluding supervisors, unless additional personal protective measures are implemented; or
- Responsible Parties must ensure that a distance of at least six feet is maintained among workers at all times, unless safety of the core activity requires a shorter distance. Any time employees must come within six feet of another person, acceptable face coverings must be worn. Employees must be prepared to don a face covering if another person unexpectedly comes within six feet.

- Acceptable face coverings for COVID-19 include but are not limited to cloth-based face coverings and disposable masks that cover both the mouth and nose.
- However, cloth, disposable, or other homemade face coverings are not acceptable face coverings for workplace activities that typically require a higher degree of protection for personal protective equipment (PPE) due to the nature of the work. For those activities, N95 respirators or other PPE used under existing industry standards should continue to be used, as is defined in accordance with OSHA guidelines.
- Responsible Parties may modify the use and/or restrict the number of work spaces and employee seating areas, so that workers are at least six feet apart in all directions (e.g. side-to-side and when facing one another) and are not sharing work stations or spaces without cleaning and disinfection between use. When distancing is not feasible between work stations or spaces, Responsible Parties must provide and require the use of face coverings or enact physical barriers, such as plastic shielding walls, in lieu of face coverings in areas where they would not affect air flow, heating, cooling, or ventilation.
 - Physical barriers should be put in place in accordance with OSHA guidelines.
 - Physical barrier options (e.g. between workstations in offices or throughout the warehouse) may include: strip curtains, plexiglass or similar materials, or other impermeable dividers or partitions.
- Responsible Parties should prohibit the use of small spaces (e.g. supply, equipment storage areas, vehicles) by more than one individual at a time, unless all employees in such space at the same time are wearing acceptable face coverings. However, even with face coverings in use, occupancy must never exceed 50% of the maximum capacity of the space or vehicle, unless it is designed for use by a single occupant. Responsible Parties should increase ventilation with outdoor air to the greatest extent possible (e.g. opening windows), while maintaining safety protocols. Responsible Parties should take additional measures to prevent congregation in elevator waiting areas and limit density in elevators, such as enabling the use of stairs.
- Responsible Parties should put in place measures to reduce bi-directional foot traffic using tape or signs with arrows in narrow aisles, hallways, or spaces, and post signage and distance markers denoting spaces of six feet in all commonly used areas and any areas in which lines are commonly formed or people may congregate (e.g. clock in/out stations, health screening stations).
- Responsible Parties must post signs throughout the site, consistent with DOH COVID-19 signage. Responsible Parties can develop their own customized signage specific to their workplace or setting, provided that such signage is consistent with the Department's signage. Signage should be used to remind employees to:
 - Cover their nose and mouth with a face covering when six feet of social distance cannot be maintained.
 - Properly store and, when necessary, discard PPE.
 - Adhere to physical distancing instructions.
 - Report symptoms of or exposure to COVID-19, and how they should do so.
 - Follow hand hygiene and cleaning and disinfection guidelines.
 - Follow appropriate respiratory hygiene and cough etiquette.

B. Gatherings in Enclosed Spaces

- Responsible Parties must limit in-person employee gatherings (e.g. breaks, safety meetings) to the greatest extent possible and use other methods that may be applicable, such as video or teleconferencing whenever possible, per CDC guidance "[Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 \(COVID-19\)](#)". When videoconferencing or teleconferencing is not possible, Responsible Parties should hold meetings in open, well-ventilated spaces and ensure that individuals maintain six feet of social distance between one another (e.g. if there are chairs, leave space between chairs, have employees sit in alternating chairs).
- Responsible Parties must also limit in-person gatherings on vessels and boats, as follows:
 - **Commercial Vessels:** No more than the minimum number of crew members necessary for safe operations; provided, however, that members wear acceptable face coverings when unable to maintain an appropriate social distance of six feet.
 - **All Other Vessels and Boats:** No more than the maximum number of people who can safely maintain an appropriate social distance of six feet, inclusive of both crew and passengers, unless all are members of the same household. If such distance cannot be maintained, acceptable face coverings must be worn at all times by all individuals on the vessel.
 - **Walk-In Fishing Guide:** Permitted so long as personal contact is minimized and social distancing protocols, including wearing acceptable face coverings when individuals are less than six feet apart from one another, are adhered to by all parties.
- Responsible Parties must ensure that vessels with food service operate in accordance with "[Interim Guidance for Food Services during the COVID-19 Public Health Emergency.](#)"
- Responsible Parties must put in place practices for adequate social distancing in small areas, such as vehicles, small holds, restrooms and breakrooms, and should develop signage and systems (e.g. flagging when occupied) to restrict occupancy when social distancing cannot be maintained in such areas; and
- Responsible Parties should stagger schedules for employees to observe social distancing (i.e., six feet of space) for any gathering (e.g. coffee breaks, meals, and shift starts/stops).

C. Workplace Activity

- Responsible Parties must take measures to reduce interpersonal contact and congregation, through methods such as:
 - limiting in-person presence to only those staff who are necessary to be on site;
 - adjusting workplace hours;
 - reducing on-site workforce to accommodate social distancing guidelines;
 - shifting design (e.g. A/B teams, staggered arrival/departure times);
 - prioritizing tasks that allow for social distancing, over those that do not; and/or
 - avoiding multiple crews and/or teams working in one area by staggering scheduled tasks and using signs to indicate occupied areas.

D. Movement and Commerce

- Responsible Parties should prohibit non-essential visitors on site.
- Responsible Parties must establish designated areas for pickups and deliveries, limiting contact to the extent possible.
- Responsible Parties must implement a touchless delivery system whereby drivers stay in the cab of the vehicle while delivery takes place or, where not practicable, Responsible Parties should provide acceptable PPE appropriate to the anticipated activities that includes, at a minimum, a cloth face covering to delivery workers.
 - Responsible Parties must sanitize hands before and after transferring a load (e.g. truckload) of merchandise (e.g. sanitize hands before starting to load items; and once all items have been loaded, finish by sanitizing their hands again).
- Responsible Parties should limit on-site interactions (e.g. designate an egress for workers leaving their shifts and a separate ingress for workers starting their shifts) and movements (e.g. employees should remain near their work spaces as often as possible).
- Responsible Parties, particularly for-hire vessel operators, should consider touchless payment, where possible; and if not possible, have hand hygiene supplies (e.g. hand sanitizer) for use after each transaction.

II. PLACES

A. Protective Equipment

- In addition to the necessary PPE as required for certain workplace activities, Responsible Parties must procure, fashion, or otherwise obtain acceptable face coverings and provide such coverings to their employees while at work at no cost to the employee. Responsible Parties should have an adequate supply of face coverings, masks and other required PPE on hand should an employee need a replacement or should a visitor be in need. Acceptable face coverings include, but are not limited to, cloth (e.g. homemade sewn, quick cut, bandana), surgical masks, N95 respirators, and face shields.
- Face coverings must be cleaned or replaced after use and may not be shared. Please consult the [CDC guidance](#) for additional information on cloth face coverings and other types of PPE, as well as instructions on use and cleaning.
 - Note that cloth face coverings or disposable masks shall not be considered acceptable face coverings for workplace activities that impose a higher degree of protection for face covering requirements. For example, if N95 respirators are traditionally required for specific commercial fishing services and for-hire vessel activities, a cloth or homemade mask would not suffice. Responsible Parties must adhere to OSHA standards for such safety equipment.
- Responsible Parties must allow employees to use their own acceptable face coverings but cannot require employees to supply their own face coverings. Further, this guidance shall not prevent employees from wearing their personally owned additional protective coverings (e.g. surgical masks, N95 respirators, or face shields), or if the Responsible Parties otherwise requires employees to wear more protective PPE due to the nature of their work. Employers should comply with all applicable OSHA standards.

- Responsible Parties must put in place measures to limit the sharing of objects, such as tools, knives, cleats, as well as the unnecessary touching of shared surfaces, such as railings and hatch handles; or require all workers to wear gloves (trade-appropriate or medical) when coming in contact with shared objects or surfaces; or, require workers to sanitize or wash their hands before and after contact.
 - All such areas and objects must be cleaned and disinfected, at a minimum, on a daily basis with more frequent cleaning and disinfection of “high touch” surfaces.
- Responsible Parties must train workers on how to adequately put on, take off, clean (as applicable), and discard PPE, including but not limited to, appropriate face coverings.
- Passengers aboard for-hire vessels must use appropriate face coverings when social distancing of six feet cannot be maintained, unless they are under three years of age or cannot medically tolerate such covering.

B. Hygiene, Cleaning, and Disinfection

- Responsible Parties must ensure adherence to hygiene and sanitation requirements as advised by the CDC and DOH, including [“Guidance for Cleaning and Disinfection of Public and Private Facilities for COVID-19,”](#) and the [“STOP THE SPREAD”](#) poster, as applicable. Responsible Parties must maintain logs that include the date, time, and scope of cleaning and disinfection.
- Responsible Parties must regularly clean and disinfect all areas of the vessel at the beginning and end of each trip.
- Responsible Parties must provide and maintain hand hygiene stations on site, as follows:
 - For handwashing: soap, running warm water, and disposable paper towels.
 - For sanitizer: an alcohol-based hand sanitizer containing at least 60% alcohol for areas where handwashing facilities may not be available or practical.
- Responsible Parties should place signage near hand sanitizer stations indicating that visibly soiled hands should be washed with soap and water; hand sanitizer is not effective on visibly soiled hands.
- Responsible Parties should place receptacles around the facility/vessel for disposal of soiled items, including PPE.
- Responsible Parties must provide appropriate cleaning and disinfection supplies for shared and frequently touched surfaces and encourage employees to use these supplies, following manufacturers’ instructions, before and after use of these surfaces, followed by hand hygiene.
- Responsible Parties must conduct regular cleaning and disinfection of facilities and vessels and more frequent cleaning and disinfection for high risk areas used by many individuals and for frequently touched surfaces. Cleaning and disinfection must be rigorous and ongoing and should occur at least after each trip, daily, or more frequently as needed. Please refer to DOH’s [“Interim Guidance for Cleaning and Disinfection of Public and Private Facilities for COVID-19”](#) for detailed instructions on how to clean and disinfect facilities.
 - Responsible Parties must ensure regular cleaning and disinfection of restrooms. Restrooms should be cleaned and disinfected more often depending on frequency of use.
 - Responsible Parties must ensure distancing rules are adhered to by reducing restroom capacity where feasible.

- Responsible Parties must ensure that equipment and tools are regularly disinfected using registered disinfectants, including at least as often as workers change work spaces or a different worker is using such equipment. Refer to the Department of Environmental Conservation (DEC) [list of products](#) registered in New York State identified by the EPA as effective against COVID-19.
- If cleaning or disinfection products or the act of cleaning and disinfection causes safety hazards or degrades the material or machinery, Responsible Parties must put in place hand hygiene stations between use and/or supply disposable gloves and/or limitations on the number of employees using such machinery.
- Responsible Parties must enact protocols and procedures to ensure that no fishing equipment may be shared, unless it has been cleaned and disinfected between users. Nets or gaffs may be handled only by crew members.
- Responsible Parties must provide for the cleaning and disinfection of exposed areas in the event of a positive case of COVID-19 of a worker, with such cleaning and disinfection to include, at a minimum, all heavy transit areas and high-touch surfaces (e.g. shared tools, equipment, vehicles, handrails, toilets).
- CDC guidelines on "[Cleaning and Disinfecting Your Facility](#)" if someone is suspected or confirmed to have COVID-19 are as follows:
 - Close off areas used by the person suspected or confirmed to have COVID-19.
 - Responsible Parties do not necessarily need to close operations, if they can close off the affected areas.
 - Open outside doors and windows to increase air circulation in the area.
 - Wait 24 hours before you clean or disinfect. If 24 hours is not feasible, wait as long as possible.
 - Clean and disinfect all areas used by the person suspected or confirmed to have COVID-19, such as offices, bathrooms, common areas, and shared equipment.
 - Once the area has been appropriately disinfected, it can be opened for use.
 - Workers without close or proximate contact with the person suspected or confirmed to have COVID-19 can return to the work area immediately after disinfection.
 - Refer to DOH's "[Interim Guidance for Public and Private Employees Returning to Work Following COVID-19 Infection or Exposure](#)" for information on "close or proximate" contacts.
 - If more than seven days have passed since the person suspected or confirmed to have COVID-19 visited or used the facility, additional cleaning and disinfection is not necessary, but routine cleaning and disinfection should continue.
- Responsible Parties must prohibit shared food and beverages among employees (e.g. self-serve meals and beverages), encourage employees to bring lunch from home, and reserve adequate space for employees to observe social distancing while eating meals.

C. Phased Reopening

- Responsible Parties are encouraged to phase-in reopening activities so as to allow for operational issues to be resolved before production or work activities return to normal levels. Responsible Parties should consider limiting the number of employees, hours, and number of customers available to be served when first reopening so as to provide operations with the ability to adjust to the changes.

D. Communications Plan

- Responsible Parties should develop a communications plan for employees, visitors, and customers that includes applicable instructions, training, signage, and a consistent means to provide employees with information. Responsible Parties may consider developing webpages, text and email groups, and social media.

III. PROCESSES

A. Screening and Testing

- Responsible Parties must implement mandatory daily health screening practices.
 - Screening practices may be performed remotely (e.g. by telephone or electronic survey), before the employee reports to the facility, to the extent possible; or may be performed on site.
 - Screening should be coordinated to prevent workers from intermingling in close or proximate contact with each other prior to completion of the screening.
 - At a minimum, screening must be required of all workers and visitors and completed using a questionnaire that determines whether the worker or visitor has:
 - (a) knowingly been in close or proximate contact in the past 14 days with anyone who has tested positive for COVID-19 or who has or had symptoms of COVID-19;
 - (b) tested positive for COVID-19 in the past 14 days; and/or
 - (c) has experienced any symptoms of COVID-19 in the past 14 days.
- Responsible Parties must also screen passengers and clients prior to departure using the same questionnaire criteria.
 - Passengers and clients who screen positive for contact with a COVID-19 case, have tested positive for COVID-19, or who have COVID-19 symptoms shall be denied admission on the vessel.
- Refer to CDC guidance on "[Symptoms of Coronavirus](#)" for the most up to date information on symptoms associated with COVID-19.
- Responsible Parties must require employees to immediately disclose if and when their responses to any of the aforementioned questions changes, such as if they begin to experience symptoms, including during or outside of work hours.
- In addition to the screening questionnaire, temperature checks may also be conducted per Equal Employment Opportunity Commission or DOH guidelines. Responsible Parties are prohibited from keeping records of employee health data (e.g. the specific temperature data of an individual), but are permitted to maintain records that confirm individuals were screened and the result of such screening (e.g. pass/fail, cleared/not cleared).
- Responsible Parties must ensure that any personnel performing screening activities, including temperature checks, are appropriately protected from exposure to potentially infectious workers or visitors entering the facility. Personnel performing screening activities should be trained by employer-identified individuals who are familiar with CDC, DOH, and OSHA protocols.

- Screeners should be provided and use PPE, including at a minimum, a face mask, and may include gloves, a gown, and/or a face shield.
- An individual who screens positive for COVID-19 symptoms must not be allowed to enter the site, facility, or vessel and must be sent home with instructions to contact their healthcare provider for assessment and testing.
 - Responsible Parties should provide such individuals with information on healthcare and testing resources.
 - Responsible Parties must immediately notify the state and local health department about the case if test results are positive for COVID-19.
- Responsible Parties should refer to DOH's "[Interim Guidance for Public and Private Employees Returning to Work Following COVID-19 Infection or Exposure](#)" regarding protocols and policies for employees seeking to return to work after a suspected or confirmed case of COVID-19 or after the employee had close or proximate contact with a person with COVID-19.
- Responsible Parties must designate a central point of contact, which may vary by activity, location, shift or day, responsible for receiving and attesting to having reviewed all questionnaires, with such contact also identified as the party for individuals to inform if they later are experiencing COVID-19-related symptoms, as noted on the questionnaire.
- Responsible Parties must designate a site safety monitor whose responsibilities include continuous compliance with all aspects of the site safety plan.
- To the extent possible, Responsible Parties should maintain a log of every person, including workers and visitors, who may have close or proximate contact with other individuals at the work site or area; excluding deliveries that are performed with appropriate PPE or through contactless means. Log should contain contact information, such that all contacts may be identified, traced and notified in the event an employee is diagnosed with COVID-19. Responsible Parties must cooperate with state and local health department contact tracing efforts.

B. Tracing and Tracking

- Responsible Parties must notify the state and local health department immediately upon being informed of any positive COVID-19 test result from a crew member or passenger/client on the vessel, or worker at their facility or site.
- In the case of a worker or visitor testing positive, the Responsible Parties must cooperate with the state and local health department to trace all contacts in the workplace and notify the state and local health department of all workers and visitors who entered the facility dating back to 48 hours before the worker began experiencing COVID-19 symptoms or tested positive, whichever is earlier, but maintain confidentiality as required by federal and state law and regulations.
- State and local health departments will implement monitoring and movement restrictions of infected or exposed persons including home isolation or quarantine.
- Individuals who are alerted that they have come into close or proximate contact with a person with COVID-19, and have been alerted via tracing, tracking or other mechanism, are required to self-report to their employer at the time of alert and shall follow the protocol referenced above.

IV. EMPLOYER PLANS

Responsible Parties must conspicuously post completed safety plans on site. The State has made available a business reopening safety plan template to guide business owners and operators in developing plans to protect against the spread of COVID-19.

Additional safety information, guidelines, and resources are available at:

New York State Department of Health Novel Coronavirus (COVID-19) Website
<https://coronavirus.health.ny.gov/>

Centers for Disease Control and Prevention Coronavirus (COVID-19) Website
<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

Occupational Safety and Health Administration COVID-19 Website
<https://www.osha.gov/SLTC/covid-19/>

At the link below, affirm that you have read and understand your obligation to operate in accordance with this guidance:

<https://forms.ny.gov/s3/ny-forward-affirmation>