



E-NEWS ALERT

Qualifying as An Essential/Critical Business in light of State COVID-19 Shutdowns

TO: FAMA and FEMSA Members
FROM: FAMA/FEMSA GAC Co-chairs: John Granby, Lee Morris, and David Durstine
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As COVID-19 spreads throughout the general population, Governors are increasingly adopting “shelter in place” orders that have the effect of curtailing/prohibiting business operations. It is important that FAMA and FEMSA member companies be put on your State’s Essential Workers list and to obtain a waiver from restrictions on operations.

In response to this situation, we encourage our FAMA and FEMSA members to first check to see if your state has provided public guidance on what has been deemed an “essential service” in your state. We further advise that you contact your Governor’s offices and/or State Emergency Management Agencies to clarify, and to determine that your company provides **“continuing production as an essential service provider of critical response equipment and supplies for first responders** (using this particular language is important when speaking with them).

We also recommend that you leverage existing relationships that you may have with clients and state and local government - especially health and medical providers, first responders, departments of emergency management, and senior elected officials.

[As a resource, please click here for a contact directory of state emergency management agencies.](#)

Federal Guidance on Essential Workers Definitions

On March 19, the Department of Homeland Security issued its first guidance memorandum on Essential Workers. Today, March 23, DHS released an expanded version of Federal Guidance (**Version 1.1**).

[Click here to review the latest expanded version of the Federal Guidelines.](#)

Additional updates are expected shortly. It is extremely important to note that this is only guidance, and that states have the final say in determining who is an essential worker, even though the states are likely to adopt the federal documents.

Many states will likely adopt this federal guidance as their own determination of essential workers.

For example, Version 1.1 of the Federal Guidance highlights the following as essential:

CRITICAL MANUFACTURING

- Workers necessary for the manufacturing of materials and products needed for medical supply chains, and for supply chains associated with transportation, energy, communications, food and agriculture, chemical manufacturing, nuclear facilities, the operation of dams, water and wastewater treatment, emergency services, and the defense industrial base. Additionally, workers needed to maintain the continuity of these manufacturing functions and associated supply chains.

As you approach your State officials, here are some key points:

- If you are filling orders already placed by local fire and rescue departments, this is important to point out.
- Point out that you provide essential emergency products and services to fire and rescue departments.
- Indicate, where possible, that your products, services, and vehicles serve rescue and medical response functions.
- Indicate that your company is critical in maintaining and expanding first responder capabilities.

- Indicate, if you are comfortable in doing so, that you want to be a resource to the state as the pandemic unfolds (extra vehicles, PPE, other equipment, and personnel familiar with the first responder community etc).

If you have already received an Essential Worker designation from your state, please share it with us. It is important that other FAMA and FEMSA members be able to point to other states that have granted Essential Worker status to vehicles and other equipment manufacturers/service providers, and distributors. Precedent is powerful in this instance.

If you can, please try to solicit the support of your local first responders and emergency management directors, including your local fire or police chiefs, so they can back you up in your request.

This is a fast evolving crisis that the country is in. We will continue to work on clarifications and updates as events unfold.

If you have any questions, please contact the GAC Co-chairs:

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