

TO: NAW Direct Members

FROM: NAW Government Relations Team

DATE: March 29, 2020 3:45 p.m. EDT

***We will issue these summary reports once per day or more frequently as events warrant to keep you as current as we can on developments of most import to the distribution industry and our efforts on your behalf. We encourage you to retain them in an electronic file for easy reference as we may refer to previous issues in these reports.***

As we reported yesterday afternoon, the Cybersecurity and Infrastructure Security Agency (CISA) updated their *Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response*. This updated guidance reaffirms that wholesaler-distributor personnel as essential by continuing to list:

*“Employees of firms providing services that enable logistics operations, including cooling, storing, packaging, and **distributing products for wholesale** or retail sale or use.” (emphasis added)*

At the urging of NAW and others, CISA expanded the guidance to specifically include truck drivers and warehouse workers as essential workers:

*“Employees supporting or enabling transportation functions, **including truck drivers**, bus drivers, dispatchers, maintenance and repair technicians, **warehouse workers**, truck stop and rest area workers, Department of Motor Vehicle (DMV) employees, towing/recovery services, roadside assistance workers, intermodal transportation personnel, and workers who maintain and inspect infrastructure (including those that require cross-jurisdiction travel).” (emphasis added)*

Further, the officials with whom we have spoken have reaffirmed that they will not issue credentials to essential workers at the federal level. The CISA guidance is meant to help state and local officials determine how to protect their communities while also ensuring the security and resiliency of critical infrastructure. Ultimately state governors and local official guidance will vary based on state and region. Therefore, we would encourage NAW members to review any state or local orders to determine whether their companies are deemed “essential.”

The National Governors Association (NGA) has created a COVID-19 resource page of state and territorial actions, which can be accessed at:

<https://www.nga.org/coronavirus/#actions>

Additionally, as we have previously reported, NAW wrote to the NGA and state governors urging them to create uniformity across the United States by adopting the CISA guidance into any stay at home orders or other actions to restrict the spread of COVID-19. Click here to view the NAW letter to state governors: <https://tt0dl1563d22haik02ol9k9a-wpengine.netdna-ssl.com/wp-content/uploads/2020/03/NGA-Letter-Updated.pdf>

NAW has created a template letter for you to provide to your drivers and employees that they can use to get to work and conduct work as employees of the critical infrastructure. Please be aware that this letter is self-certifying and not an official federal document. You should review any document that you provide to your employees with your own counsel. Click here to see the letter: <https://www.naw.org/wp-content/uploads/2020/03/Sample-Letter.pdf>

It is important to note that CISA has expanded their list of essential workers, and this is of direct importance to wholesaler-distributors and their customers. The below excerpts from the *CISA Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response* are meant to give NAW members a brief preview of how wholesaler-distributors and their operations are represented within the guidance. It should be noted that any emphasis or bolding to the below excerpts was added by NAW.

Click here to review the memorandum in its entirety:

[https://www.cisa.gov/sites/default/files/publications/CISA\\_Guidance\\_on\\_the\\_Essential\\_Critical\\_Infrastructure\\_Workforce\\_Version\\_2.0\\_Updated.pdf](https://www.cisa.gov/sites/default/files/publications/CISA_Guidance_on_the_Essential_Critical_Infrastructure_Workforce_Version_2.0_Updated.pdf)

- “Manufacturer workers for health manufacturing (including biotechnology companies), **materials and parts suppliers, logistics and warehouse operators, distributors of medical equipment** (including those who test and repair), personal protective equipment (PPE), isolation barriers, medical gases, pharmaceuticals (including materials used in radioactive drugs), dietary supplements, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products.”
- “Workers supporting groceries, pharmacies, convenience stores, and other retail (including unattended and vending) that sells human food, animal/pet food and pet supply, and beverage products, including retail customer support service and

information technology support staff necessary for online orders, pickup and delivery.”

- “Workers who support sawmills and the **manufacture and distribution of fiber and forest products, including, but not limited to timber, paper, and other wood and fiber products.**”
- “**Manufacturing and distribution of equipment, supplies, and parts necessary to maintain production, maintenance, restoration, and service at energy sector facilities (across all energy sector segments).**”
- “Retail fuel centers such as gas stations and truck stops, **and the distribution systems that support them.**”
- “Employees supporting or enabling transportation functions, **including truck drivers**, bus drivers, dispatchers, maintenance and repair technicians, **warehouse workers**, truck stop and rest area workers, Department of Motor Vehicle (DMV) employees, towing/recovery services, roadside assistance workers, intermodal transportation personnel, and workers who maintain and inspect infrastructure (including those that require cross-jurisdiction travel).”
- “**Workers supporting the distribution of food, pharmaceuticals (including materials used in radioactive drugs) and other medical materials, fuels, chemicals needed for water or water treatment and energy Maintenance and operation of essential highway infrastructure**, including roads, bridges, and tunnels (e.g., traffic operations centers and moveable bridge operators).”
- “**Employees of firms providing services, supplies, and equipment that enable warehouse and operations**, including cooling, storing, packaging, and **distributing products for wholesale or retail sale or use**. Includes cold- and frozen-chain logistics for food and critical biologic products.”
- “**Automotive repair, maintenance, and transportation equipment manufacturing and distribution facilities** (including those who repair and maintain electric vehicle charging stations).”
- “**Manufacturers and distributors (to include service centers and related operations) of packaging materials, pallets, crates, containers, and other**

***supplies needed to support manufacturing, packaging staging and distribution operations.”***

- ***“Warehouse operators, including vendors and support personnel*** critical for business continuity (including HVAC & electrical engineers; security personnel; and janitorial staff) and customer service for essential functions.”
- “Workers necessary for the manufacturing of metals (including steel and aluminum), industrial minerals, semiconductors, materials and products needed for medical supply chains, and for supply chains associated with transportation, energy, communications, information technology, food and agriculture, chemical manufacturing, nuclear facilities, wood products, commodities used as fuel for power generation facilities, the operation of dams, water and wastewater treatment, processing and reprocessing of solid waste, emergency services, and the defense industrial base. ***Additionally, workers needed to maintain the continuity of these manufacturing functions and associated supply chains***, and workers necessary to maintain a manufacturing operation in warm standby.”
- ***“Workers supporting ecommerce through distribution, warehouse***, call center facilities, and other essential operational support functions.”
- ***“Workers in hardware and building materials stores, consumer electronics, technology and appliances retail, and related merchant wholesalers and distributors*** - with reduced staff to ensure continued operations.”

Many thanks—

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*The above information and links to other information has been prepared by NAW for the general information of NAW members. It is not intended to, and does not, provide tax, legal or professional advice concerning any specific matter. You should not act on the information without first obtaining professional advice and counsel.*