**MEMORANDUM**

**TO: FPSA Members**

**FROM: Matt Malott, FPSA Chairman**

 **David Seckman, FPSA CEO**

**RE: Essential Critical Workers During COVID-19/Key Informational Links**

**DATE: March 23, 2020**

**­­­­­­­­­­­­­­­­­­­­­­­­­**As our country comes together to slow the spread of COVID-19, on March 16th, the President issued updated Coronavirus Guidance for America. This guidance states that:

*“If you work in a critical infrastructure industry, as defined by the Department of Homeland Security, such as healthcare services and pharmaceutical and food supply, you have a special responsibility to maintain your normal work schedule.”*

Government officials have repeatedly stated that the food industry is a critical infrastructure industry and that bans and travel curfews should not apply to the food industry. Further, they are working to convey and increase their messaging this important message to state and local governments. In response to recent discussions with members, we have prepared a letter that you may share with your employees, providing legal justification for business travel as professionals in an industry that the government has deemed critical to this country. This letter, which should be printed on your company’s letterhead, is intended to assist you and your staff as you move around, servicing your customers as they continue to produce their products and feed the supply chain which is of obvious critical importance. Additional links to key informational materials that members will find helpful are:

<https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf>

<https://www.fmcsa.dot.gov/emergency/emergency-declaration-under-49-cfr-ss-39023-no-2020-002>

<https://www.cdc.gov/coronavirus/2019-ncov/prepare/cleaning-disinfection.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fcommunity%2Fhome%2Fcleaning-disinfection.html>

<https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fspecific-groups%2Fguidance-business-response.html>

<https://www.usda.gov/coronavirus>

As the COVID-19 virus situation further develops, FPSA will continue to provide whatever information and assistance to its membership to help us all move forward. Please consult your legal counsel for more information regarding your company’s compliance obligations. And, you can find additional information/resources on COVID-19 by visiting: <https://insights.btlaw.com/14/104/landing-pages/coronavirus-subscribe.asp>



*This letter printed with your company letterhead will assist you and your staff as you move around, servicing your customers as they continue to produce their products and feed the supply chain which is of obvious critical importance.*

 **“DRAFT”**

 Employee Authorization to Travel Letter

 To Whom It May Concern:

The individual in possession of this letter works in the Food and Agriculture industry and must travel to and from work and engage in his or her work activities, regardless of time of day, as an employee in a sector that has been deemed by the U.S. Government as critical to the infrastructure of the United States at this time.

The Food and Agriculture industry has been designated a “Critical Infrastructure Segment” under Presidential Policy Directive 21 and Department of Homeland Security emergency readiness programs implementing the USA PATRIOT Act of 2001. 42 U.S.C. § 5195c(e). It is therefore the policy of the United States government that these industries continue to function with minimal disruption in the event of an emergency. Furthermore, in a March 16, 2020 guidance, the President of the United States instructed employees of Critical Infrastructure Industries, including the food and agriculture sector, to continue to perform their normal job functions during the coronavirus pandemic. *The President’s Coronavirus Guidelines for America* (Mar. 16, 2020) (available at <https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf>

As such, the individual in possession of this letter is therefore deemed a “critical infrastructure industry employee” of the Food and Agriculture industry and should be considered exempt from local restrictions such as curfews, shelter-in-place orders, and other mobility restrictions when reporting to, returning from, or performing his or her work-related duties.

We ask that you allow this individual to travel to and from work and engage in his or her work activities regardless of the time of day to allow for the continued and undisrupted operation of food production, transportation, distribution, and retail operations and their supporting services.

If you have any questions concerning this letter, please contact *[insert name, title, e-mail and phone number]*

[signature]