

**Last updated April 4, 2020 10:00 AM EDT**

As more cities, states and counties issue and revise emergency orders to stop the spread of COVID-19, the National Association of Manufacturers is working to help manufacturers nationwide assess and understand the implications of these orders and emphasize the essential

**The following resource is intended as a snapshot to help navigate this rapidly-changing environment. Please consult with regulators within the appropriate jurisdiction and your own stakeholders including legal counsel before making a determination on how to best proceed with your company's operations.**

#### **APRIL 4 UPDATE:**

**With the critical support of the NAM's state partners, states are beginning to understand the essential role manufacturers play in the coronavirus response effort. Key updates include orders in SC, AL, and MO, and extensions of orders in WA.**

**Key state updates within the last 24 hours include:**

- On Friday night, South Carolina issued a stay in place order ordering “non-essential” businesses to close, not including manufacturers among those non-essential businesses; at the same time, South Carolina clarified its travel restrictions to exempt essential businesses as defined by federal CISA guidance from self-quarantine requirements
- On Friday, Missouri adopted a stay at home order that exempts manufacturers designated as “essential” under the federal CISA guidance
- On Friday, Alabama adopted a stay at home order designating as “essential” manufacturers broadly, as well as those identified under federal CISA guidelines
- As of Friday afternoon, Pennsylvania has closed its waiver exemption process to new applications (see PA section below)
- On Friday, Washington state extended its stay in place order until May 4
- On Thursday, Georgia issued a stay in place order with exemptions for “essential” business as defined by the federal CISA guidelines, plus suppliers for those businesses
- On Tuesday night, seven Bay Area counties issued stay in place orders that tighten the definition of essential businesses. The NAM is working with its state partner to understand more.

**The NAM is advocating for states to at least adopt the federal CISA guidelines for essential businesses, specifically by incorporating by reference those guidelines in any executive order or similarly binding declaration. (This helps to strengthen the linkage between state and federal guidance from a legal perspective.) Please review individual state portions for more details about new orders and restrictions as well as added detail on how to seek an exemption in certain states.**

#### **Other resources:**

- **NEW:** The last page here includes a chart of expiration dates on state orders as we currently understand them, subject to amendment by governors

- NOTE: For states where only counties have acted, please refer to the state-specific section for details
- The NAM [has created an example letter](#) that employers can provide to employees helping to describe their essential role to others.
- **NEW:** The NAM has prepared a [document](#) on the implications of foreign governments' stay in place orders — including Canada and Mexico
- **NEW:** Join the NAM's Creators Respond [campaign](#) to send custom messages to state lawmakers to tell them why manufacturing is essential
- Manufacturers' toolkit to show state and local officials how your business qualifies as essential ([Click here to download this resource.](#))
- Template letter to governors self-declaring or declaring a supplier as “essential” ([Click here to download](#))
- NAM current [policy priorities](#) for COVID-19 response

Please [email NAM Assistant Vice President, Advocacy Michael O'Brien](#) for company-specific support to address disruptions caused by state and local guidance.

### **External Resources:**

- [MultiState tracker](#) of state and local stay in place and mass gathering restrictions; MultiState has this [additional rundown](#) on essential operations of state and local stay in place and mass gathering restrictions; MultiState has this [additional rundown](#) on essential operations
- [Analysis](#) of state “essential” designations prepared by Bracewell LLP
- Council of State Government [library](#) of state COVID-19 orders
- The industrial solutions company Thomas has prepared an operations resource [center](#) for manufacturers

### **Navigating Local Restrictions on Operations**

Most every state has at this point issued workplace guidance or restrictions that affect manufacturers. Some states have adopted the most restrictive “shelter in place” rules that affect most businesses with limited exceptions for “essential” businesses. Other states restrict mass gatherings in a way that could also affect business operations. We have sought to organize resources as completely as possible to help you understand these rules and channel your questions appropriately.

### **FEDERAL:**

The Department of Homeland Security Cybersecurity and Infrastructure Security Agency updated its list of “Critical Essential Infrastructure” on Saturday, March 28 to expand upon its guidance for states and municipalities as to what business operations should be considered “essential.” A number of these states, at the urging of the NAM and its state partners, have adopted this federal guidance as their own standard,

For reference, the [March 19 definition](#) of “Critical Manufacturing” read as follows:

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.

The [March 28 update](#) offers a far more expansive definition:

- 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 necessary for the manufacturing of materials and products needed to manufacture medical equipment and personal protective equipment (PPE).
- Workers necessary for mining and production of critical minerals, materials and associated essential supply chains, and workers engaged in the manufacture and maintenance of equipment and other infrastructure necessary for mining production and distribution.
- Workers who produce or manufacture parts or equipment that supports continued operations for any essential services and increase in remote workforce (including computing and communication devices, semiconductors, and equipment such as security tools for Security Operations Centers (SOCs) or datacenters).

Continue working to shape this guidance by emailing [CISA.CAT@cisa.dhs.gov](mailto:CISA.CAT@cisa.dhs.gov) and [CISAGuidance@nam.org](mailto:CISAGuidance@nam.org) with redailed examples of why manufacturing and and supply chain is an essential critical infrastructure. If you have changes to offer, **please give REDLINE suggestions** accompanied by supporting examples. Contact NAM Vice President for Energy and Resources [Rachel Jones](#) for more on this issue

### **Alabama:**

On April 3, Alabama's State Public Health Officer issued a [stay at home](#) order that lasts until April 30, but which allows individuals to leave their homes to work at "essential" businesses including manufacturing, along with those industries identified by federal CISA guidance — see Section 2(s). Section 2(d) designates the following manufacturing as essential:

**Manufacturing facilities, including food processing and production;** companies that produce pharmaceuticals, food additives, medical equipment, medical devices and supplies, technology, biotechnology, chemical products, telecommunications products; automotive production and suppliers, airplane, ship, and space vehicle or rocket manufacturers; companies involved in healthcare, energy, steel and steel products, fuel and petroleum exploration and production, lubricants, greases and engine oils, mining, national defense, sanitary and cleaning products, household products, personal care products, products used by any other Essential Business or Operation;

Section 3 clarifies that essential employers may issue credentials to their employees to describe their work at an essential facility, but are not required to do so.

### **Alaska:**

On March 27, Governor Dunleavy issued health mandates [011](#) and [012](#). Order 011 encourages social distancing and orders the closing of non-essential businesses. Included with the order is the [Alaska Essential Services and Critical Infrastructure Order](#). Section IV of this order incorporates federal CISA guidance. Order 012 places restriction on travel, banning in-state air travel except for as it relates to the providing of essential services or working in critical infrastructure.

On March 25, Anchorage Mayor Berkowitz [issued a “hunker down”](#) emergency order to close non-critical businesses and direct residents to stay home as much as possible, with an “essential” business designation for manufacturing in Section 5(a). The mayor’s office also provided a [FAQ resource](#) relating to the order which instructs businesses not included in the list in the order but wish to be deemed as critical to email the mayor’s office at [covid-19-business@anchorageak.gov](mailto:covid-19-business@anchorageak.gov).

On March 17, Governor Dunleavy [ordered the closure of all bars](#), restaurants, and other establishments serving food and beverages to public dine-in service. Entertainment facilities are also closed to the public. Governor Dunleavy also [announced the formation of Alaska Economic Stabilization Team](#), to be led by former Governor Sean Parnell and former Senator Mark Begich.

### **Arizona:**

March 30, Governor Ducey issued [executive order](#) 2020-18 “Stay Home, Stay Healthy, Stay Connected” going into effect March 31 at 5:00 pm and expiring on April 30. The order in Section 11(c) defines essential businesses exempt from the stay in place order as being those previously defined in the executive order described below that prohibited local governments from closing essential businesses. That order designated manufacturing businesses as essential.

The March 30 order requires that businesses that continue functioning implement social distancing and follow CDC guidelines for sanitizing areas. Section 15, again clarifies that “no county, city or town may make or issue any order, rule or regulation that restricts or prohibits any person from performing any function designated by either the Governor.”

Related to the previous order, on March 23, Ducey signed an [executive order](#) prohibiting the closure of essential business by local governments. The order pre-empts local or municipal orders closing manufacturers:

#### **Manufacture, distribution and supply chain for critical products and industries:**

Manufacturing companies, distributors and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportations, energy, steel and steel



products, petroleum and fuel, mining, construction, national defense, communications as well as products used by other Essential Businesses and Operations.

For more, contact [Allison Gilbreath](#) with the Arizona Chamber of Commerce.

### **Arkansas**

A March 25 executive [order](#) by Gov. Hutchinson restricts mass gathering to no more than 10 people, with a specific exception in Section 1(c) for “businesses, manufacturers, and construction companies.”

### **California**

**NEW:** On March 31, seven counties in the San Francisco Bay area (Alameda, Contra Costa, Marin, San Francisco, San Mateo, Sonoma and Santa Clara Counties) issued new, more restrictive stay in place orders that requires all individuals to stay in their homes and prohibits travel except for work at essential businesses. The orders mirror one another in imposing more limited definitions of “essential” businesses in a way that could impact manufacturers. The order — see Section 13(f) in [Marin County’s order](#) — provides a narrower definition of construction, limiting it principally to only COVID-19 responses, and in 13(f)(xx) has language that could severely impact manufacturers:

Businesses that have the primary function of shipping or delivering groceries, food, or other goods directly to residences or businesses. This exemption shall not be used to allow for manufacturing or assembly of non-essential products or for other functions besides those necessary to the delivery operation

There is no other language in there exempting manufacturing as essential business. Companies not designated as essential are permitted to perform Minimum Basic Operations and permit employee travel for those operations, defined in part in Section 13(g) as:

The minimum necessary activities to maintain and protect the value of the business’s inventory and facilities; ensure security, safety, and sanitation; process payroll and employee benefits; provide for the delivery of existing inventory directly to residences or businesses; and related functions.

This order would appear to go a step further than the statewide standard set by Gov. Newsom’s March 19 [executive order](#) that functionally adopts a “shelter in place” ruling for much of the state of California. The order exempts from the order manufacturers identified as contributing to “critical infrastructure” within the [federal guidance](#) referenced above. Given that the order essentially adopts this federal guidance, manufacturers may refer to the DHS critical infrastructure list in interpreting the California order.

⇒ Following a call with business leaders on Thursday night, the governor’s office asked that questions be referred to this address: [LegislativeAffairs@CalOES.ca.gov](mailto:LegislativeAffairs@CalOES.ca.gov)

The governor’s office had proposed this rule to create “[consistency](#)” across the state amid the many county or city shelter-in-place orders that have popped up in California throughout the week.



The NAM's state partner in California, California Manufacturers and Technology Association, has been maintaining a rolling update on how these orders affect manufacturers. [Visit and bookmark this link for more](#). CMTA also [wrote](#) to the governor's Office of Emergency Services on Thursday emphasizing the essential role manufacturers play in the response to coronavirus. **NEW:** [Please see this list](#) of companies that are repurposing their manufacturing via CMTA. **Colorado**

A March 25 executive [order](#) by Gov. Polis orders Coloradans to stay in place with exemptions for manufacturers. The essential businesses that are defined as "essential" and exempt from the stay in place order are identified in a [separate public health order](#). Section B(3) of that order offers broad exemptions for critical manufacturing:

Critical Manufacturing, Including:

- Food processing, manufacturing agents, including all foods and beverages
- Chemicals
- Computers and computer components
- Medical equipment, components used in any medical device, supplies or instruments
- Pharmaceuticals
- Sanitary products
- Telecommunications
- Microelectronics/semiconductor
- Agriculture/farms
- Household paper products
- Amended Public Health Order 20-24
- Any business that produces products critical or incidental to the processing, functioning, development, manufacture, packaging, or delivery of any of the categories of products included in this subsection
- Any manufacturing necessary to support a Critical Business

[The governor's office also prepared a FAQ document](#) alongside the order. It makes no mention of the federal CISA guidelines, though the critical manufacturing and critical infrastructure language tracks closely with that. Please also review [this guidance](#) prepared by the Colorado Department of Regulatory Agencies regarding critical vs. non-critical business. Colorado has also provided a template document for companies seeking to self-designate as [essential](#).

Companies that remain operations are required to maintain minimum basic operations and enact social distancing policies. Per section IV, which encourages local authorities to take action to ensure "maximum compliance" with the order, the statewide stay in place order would not necessarily seem to supersede local ordinances, such as the one recently imposed by the city of Denver.

Earlier this week, an [order](#) by the city of Denver limited businesses to cease operations unless they are considered essential under Section 6 of the ruling, which initially had no language pertaining to manufacturers. The NAM worked with its instate allies, the Colorado Chamber of Commerce and Colorado Advanced Manufacturing Association, to [write](#) Denver's mayor, asking him to adopt federal CISA guidance and add to it essential designations for manufacturers for the sake of consistent operations statewide and nationally. With the help of the Denver

Chamber, the mayor's office [updated the order](#) to add language on essential manufacturing operations in Section 6(f)(xv):

Businesses that supply other essential businesses with the support or supplies necessary to operate; including but not limited to workers 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

San Miguel County March 18 [issued](#) a stay at home policy, closing non essential businesses and defining manufacturing as essential business.

### **Connecticut**

On March 20, Gov. Ned Lamont signed a “stay in place” [order](#), adopting the Department of Homeland Security’s CISA guidance as its list of “essential” programs and explicitly including “manufacturing, including food processing, pharmaceuticals, and industries supporting the essential services required to meet national security commitments to the federal government and U.S. Military; the defense industrial base, including aerospace, mechanical and software engineers, manufacturing/production workers, aircraft and weapon system mechanics and maintainers.”

Per [news reports](#), the Connecticut Department of Economic and Community Development is responsible for identifying exemptions to the shelter in place order. The department has set up these accounts to respond: [COVID19.JIC@ct.gov](mailto:COVID19.JIC@ct.gov), or call the DECD small business hotline at 860-500-2333. You can find a list of individual contacts [here](#). Connecticut has added resources clarifying that businesses only need to apply to be designated as essential if they do not believe existing guidance covers their operations. [See the DECD's page for more](#).

For more, contact [Joe Brennan](#) from the Connecticut Business and Industry Association. Please see the analysis and resources prepared by CBIA [here](#).

### **Delaware**

On March 31, Gov. Carney issued [travel restrictions requiring](#) visitors from out of state to self-quarantine for 14 days upon entry to the state, clarifying the order “shall not apply to individuals commuting into Delaware to work for an Essential Business.”

Gov. John Carney issued a “stay in place” [order](#) on March 22 with broad exemptions for manufacturers. Section 6(j) offers this exemption for manufacturers as “essential” businesses:

**Manufacturing:** Workers necessary for the manufacturing of materials, goods, products, or similar distribution

The order does not touch on the federal CISA guidance except to order the state’s Division of Small Business to consider that guidance when making any clarifications to the order. On April

1, the governor issued additional [guidance](#) restricting business operations for companies that permit customers on their premises.

The state offered a prescriptive yes/no industry list that tracks closely with the problematic structure in Pennsylvania except, in Delaware, all manufacturing industries are approved on this listing as essential industries.

## **Florida**

April 1 Gov. DeSantis issued a clarification [executive order](#) stating the statewide Stay at Home order of earlier in the day, supersedes all local orders.

On April 1, Gov. DeSantis issued a stay at home [order](#) that requires those in Florida to limit movements outside the home to only essential activities. The order defines “essential” activities exempt from the order as those defined in the federal CISA guidance (Section 2A) as well as those identified in an earlier, partial-state stay at home order which adopted Miami-Dade County’s own [order](#) (07-20), which mostly focused on closing non-essential [retail](#) businesses, but established in Section 2(ee) that “Factories, manufacturing facilities, bottling plants, or other industrial uses” were permitted as essential. No subsequent order appears to do anything to affect that essential designation. The new executive order extends until April 30, and a clarifying [order](#) emphasizes that the statewide order supersedes any conflicting local order.

DeSantis has also issued some restrictions for out-of-state travelers from [New York, New Jersey or Connecticut](#) and [Louisiana](#) to self-quarantine for 14 days upon entering the state. In Section 1(A) of the order it clarifies that the self-quarantine requirement “shall not apply to ... persons involved in any commercial activity.”

A number of additional counties in Florida covering the state’s largest metropolitan areas had issued stay in place orders in the absence of any statewide declaration. For updated list of individual city, county and other orders, [click here](#).

## **Georgia**

On April 2, Gov. Kemp issued an executive [order](#) prohibiting mass gatherings of 10 or more people and ordering Georgians to stay in place, with exemptions for “essential” businesses as defined by the federal CISA guidance, along with “suppliers which provide essential goods and services to the critical infrastructure workforce.”

Companies that continue in-person operations are required to implement mitigation efforts, including telework, sanitization and *optional* health screenings including temperature checks for employees.

The order empowers the Georgia Department of Economic Development to issue clarity as needed. Significantly, the order also supersedes orders issued by cities or counties in Georgia, including a problematic order as written by the city of Atlanta. The order is effective until April 13.

The exemptions for manufacturers come after the Georgia Association of Manufacturers repeatedly urged the governor to ensure that any stay in place order allow for manufacturers to continue their essential operations.



## Hawaii

On March 23, Gov. Ige issued a stay at home [order](#) shuttering businesses in the state except for those determined to be “essential” under the federal CISA guidance. The order includes additional exemptions for manufacturers:

**Manufacture, distribution, and supply chain for critical products and industries.**

Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, national defense, communications, as well as products used by essential businesses and operations;

Businesses that remain in operation must practice social distancing, maintain separate operating hours for high-risk populations and make “readily available” hand sanitizers and sanitizing products.

On April 1, Gov. Ige also [issued](#) travel restrictions requiring inter-island travelers in Hawaii to self-quarantine for 14 days upon arrival, with exemptions for those considered essential under the federal CISA guidance. All interisland travelers must complete this [form](#).

## Idaho

On March 25, Idaho Gov. Brad Little issued a stay in place [order](#) for the state of Idaho, with exemptions for “essential” businesses as defined by the federal CISA guidance. It makes no additional mention of manufacturing, though adds to essential businesses identified in section 3(f).

For more, contact [Alex LaBeau](#) with the Idaho Association of Commerce and Industry.

## Illinois

April 1, Gov. Pritzker signed an [executive order](#) extending the state’s stay in place order through April 30. No additional changes to the language from the March 20<sup>th</sup> order.

A March 20 [executive order](#) by Gov. Pritzker established stay in place rule beginning Saturday, March 21 and extending through Tuesday, April 7 — but with broad exemptions for manufacturing operations. The relatively favorable declaration comes after dogged work by the Illinois Manufacturers’ Association to frame for Gov. Pritzker the need for essential manufacturing protections.

The [order](#) defines a number of essential infrastructure items (including food production and construction) and essential businesses — including manufacturing companies and their supply chains. (See section 12(t).) A footnote additionally clarifies that “the definition of Essential Business and Operations is meant to encompass the workers identified” in the DHS-CISA order.



**Specifically, the following manufacturing facilities, distribution, and supply chains are considered essential and may continue to operate. Employees are considered essential and may continue working in your facilities.**

*Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, national defense, communications, as well as products used by other Essential Businesses and Operations.*

The NAM's state partner, the [Illinois Manufacturers Association](#), offered this analysis: Manufacturers will self-determine if they fall under this guideline. It will not require a special designation or permit from the State of Illinois.

For more, contact [Mark Denzler](#) with the Illinois Manufacturers' Association.

### **Indiana**

On April 3, Gov. Holcomb [announced](#) he would extend a March 23 [order](#) instructing Indiana residents to stay at home until April 20. The initial order defined "essential" business as those identified by federal CISA guidance along with (in section 14-u) "manufacture, distribution, and supply chain for critical products and industries."

The Indiana Economic Development Corporation is now offering a Critical Industries Hotline to field industry questions. Call (877) 820-0890 or email [covidresponse@iedc.in.gov](mailto:covidresponse@iedc.in.gov) with your questions.

Businesses that remain operational are to practice social distancing and function at minimum basic operations and encourage telework where possible.

Please visit the state of Indiana's COVID-19 [resources page](#) for more information.

### **Iowa**

March 17 [order](#) by Gov. Reynolds prohibits mass gatherings of more than 10 people, but limits to "social, community, spiritual, religious, recreational, leisure, and sporting gatherings and events." On April 2, Gov. Reynolds [extended](#) these restrictions through April 30, though she has not issued a stay at home order that would affect manufacturers.

### **Kansas**

On March 31, the Kansas Dept. of Health and Environment instituted new [rules](#) mandating travelers from certain states and jurisdictions (including New York, Connecticut, New Jersey, Illinois, Louisiana, California, Washington and Colorado) self-quarantine for 14 days upon arrival in the state. The order exempts travelers for essential purposes as established by the federal CISA guidelines. The state has posted FAQs about the travel restrictions [here](#).

On March 28, Gov. Kelly issued a stay at home [order](#) that closes companies except for those defined as essential under the Kansas Essential Functions Framework (KEFF).

Kansas defines a variety of “essential” businesses in a way that is meant to model the federal CISA guidance, though it does not necessarily adopt the CISA framework.

In the most recent order, the KEFF list issues a number of elements of manufacturing, which are specified below:

#### **KEFF 200 DISTRIBUTE**

2. Maintain Supply Chains for Essential Functions and Critical Infrastructure (as defined by DHS)
4. Transport Cargo and Passengers by Air
  - a. Manufacture, distribute, sell or maintain aircraft or aircraft parts
5. Transport Cargo and Passengers by Rail
  - a. Manufacture, distribute, sell or maintain trains or train parts
6. Transport Cargo and Passengers by Road
  - c. Manufacture, distribute, sell or maintain automobiles or automobile parts
7. Transport Cargo and Passengers by Vessel
  - a. Manufacture, distribute, sell or maintain cargo or passenger vessels or parts for such vessels

#### **KEFF 300 MANAGE**

14. Provide and Maintain Critical Infrastructure
  - a. Construct or repair roads
  - b. Construct, maintain, or clean buildings
  - c. Produce or distribute construction materials
  - d. Maintain specialized manufacturing or industrial equipment

#### **KEFF 400 SUPPLY**

2. Fuel Refining and Processing Fuels
  - a. Produce or deliver propane or natural gas
4. Manufacture Equipment Used for Essential Functions or Critical Infrastructure (as defined by DHS)
5. Produce and Provide Agricultural Products and Services
  - a. Manufacture or maintain agricultural equipment
  - b. Manufacture or distribute agricultural supplies such as seeds and chemicals
6. Produce and Provide Human and Animal Food Products and Services
  - a. Manufacture or process food or food products
7. Produce Chemicals

The order supersedes any local stay in place order, but also notes (in Section 2) that the Kansas Secretary of Health and Environment is able to promulgate additional restrictions as necessary in response to COVID-19.

The order notes in Section 9(b) that “no prior approval is required for individuals or entities to perform essential functions” as defined by the KEFF framework. Individuals or entities who are uncertain about whether they fall within the framework should email [KEFF@ks.gov](mailto:KEFF@ks.gov).

## Kentucky

On March 31, Gov. Beshear issued an [Executive Order](#) instructing Kentuckians not to leave the state and for any visitor to the state to self-quarantine for 14 days upon arrival, with several exceptions including “when required by employment” in Section 1(a).

On March 25, Gov. Beshear issued an [Executive Order](#) that adopts the federal CISA guidance to designate “Life Sustaining Businesses” and builds upon that to include broad exemptions for manufacturing, including:

**I. Supplies for Life Sustaining Businesses.** Business that sell, manufacture, or supply other Life-Sustaining Businesses with the support of materials necessary to operate, including computers, audio and video electronics, household appliances; IT and telecommunication equipment; hardware, paint, flat glass; electrical, plumbing and heating material; sanitary equipment; personal hygiene products; food, food additives, ingredients and components; medical and orthopedic equipment: optics and photography equipment; diagnostics, food and beverages, chemicals, soaps and detergent; and firearm and ammunition suppliers and retailers for purposes of safety and security.

**p. Manufacture, distribution, and supply chain for critical products and industries.** Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, national defense, communications, as well as products used by other Life Sustaining Businesses or products that could be used to treat or prevent Covid-19.

Notably, the governor has also established an [online portal](#) and hotline to report individuals or establishments not in compliance with the order.

The Kentucky Association of Manufacturers had previously sent a [letter](#) to Gov. Beshear on behalf of Kentucky manufacturers asking for official “essential” designations. This recommendation comes directly from the Department of Homeland Security’s Cybersecurity & Infrastructure Security Agency (CISA) guidelines.

## Louisiana

On March 22, Gov. John Bel Edwards [issued a “stay at home” order](#) restricting mass gatherings to no more than 10 people. The order clarifies that the restrictions do not apply to “factories or manufacturing facilities” (Section 2), and continues in Section 3(C) to emphasize that individuals are allowed to go to and from work to perform essential functions as defined by the federal CISA guidelines. In Section 5, it also orders businesses not designated essential by CISA or explicitly ordered to close by Section 4 to reduce to minimal possible operations at their facilities.

On April 3, Gov. Edwards [extended](#) the order through April 30.

In a follow-up message to clarify the executive order, the governor’s office also provided [examples of critical infrastructure businesses](#), including but not limited to:

- Food production, distribution, and sale
- Construction, including, but not limited to, construction required in response to this public health emergency, hospital construction, construction of long-term care facilities, public works construction, and housing construction
- Construction Engineers
- Building management and maintenance
- Airport operations
- Operation and maintenance of utilities, including water, sewer, and gas
- Electrical, including power generation, distribution, and production of raw materials
- Distribution centers
- Oil and biofuel refining
- Roads, highways, railroads, and public transportation
- Ports
- Cybersecurity operations
- Flood control
- Solid waste and recycling collection and removal
- Internet, video, and telecommunications systems

## **Maine**

On April 1, Gov. Mills issued a stay in place [order](#) that adopted as its standard for exempt “essential” activity the definition established by his March 24 [order](#) to close all non-essential to businesses close operations. The order adopts by reference CISA guidance on essential businesses, and adds additional exemptions in Section B(2) for “industrial manufacturing” and “construction and maintenance of essential infrastructure, among other industrial segments. The order extends until April 30.

The Maine Department of Economic and Community Development has posted additional resources to clarify essential businesses in the state, including a [list](#) of essential industries (which includes manufacturing), an essential service designation [request form](#), a FAQ [document](#), and this email address to ask questions: [business.answers@maine.gov](mailto:business.answers@maine.gov).

The order is operative until April 8, and requires businesses to practice maximum possible telework, enact social distancing policies, and specifies that businesses that continue operating should “not allow customer, vendor or other visitor in-person contact.”

## **Maryland**

Gov. Larry Hogan on March 30 updated his stay in place [order](#) in a way that continues to adopt the federal CISA guidance for “essential” businesses exempted from the order (Section III-a). Additional [guidance](#) from the governor’s Office of Legal Counsel clarifies that barring curbside pickup for non-essential businesses is a major impact of this order.

The governor’s spokesman clarified [via Twitter](#) that employers should determine for themselves whether they should continue operations, and if necessary produce letters for employees explaining their activities.

The previous order on March 23 had similarly adopted the federal CISA guidance regarding essential business operations. In regard to that order, the governor's office had also issued [accompanying guidance](#) from the its Office of Legal Counsel related to businesses determined to be essential, which includes a listing of a variety of manufacturing sectors, adding that that list is not intended to be exhaustive. A note adds: "The fact that a particular business, organization, or facility is not included in the list does not mean it is excluded from the federal critical infrastructure sectors."

A state government official, [Rick Neudorff](#), was a primary point of contact in the development of this order in case your organization has clarifying questions. For more, contact [Whitney Harmel](#) with the Maryland Chamber of Commerce.

### **Massachusetts**

On March 31, Gov. Baker extended his stay in place [order](#) through May 4 (past the initial expiration date of April 7). In doing so, Massachusetts also updated its [essential business list](#) to conform with the updated federal CISA guidance, though it does not formally incorporate that guidance as its own. The list does list a number of manufacturing sectors as part of its lengthy list of essential businesses.

**The order specifies how companies seeking an exemption or clarification can seek recourse.** Companies can either [fill out this form](#), or direct questions to [covid19.biz@mass.gov](mailto:covid19.biz@mass.gov).

[An FAQ page](#) published alongside the guidance clarifies that companies defined as essential businesses do not need to apply to be formally designated as essential.

On March 27, travelers from outside of Massachusetts are required to self-quarantine for 14 days upon arrival, though the state's Department of Public Health [says](#) that "designated essential workers are exempt from this requirement."

On March 18, Massachusetts had their request approved by SBA for a declaration of economic injury in Massachusetts to assist businesses impacted by the COVID-19 public health emergency. Businesses can now apply for low-interest federal disaster loans.

### **Michigan**

A March 23 [order](#) by Gov. Gretchen Whitmer imposes a "stay in place" restriction beginning March 24 and extending until April 13. The order incorporates by reference the federal CISA guidance as to what manufacturing operations are considered "essential."

Section 9 of the order expands upon the CISA guidance to allow those businesses to "designate suppliers, distribution centers, or service providers whose continued operation is necessary to enable, support, or facilitate the work of its critical infrastructure workers." These suppliers, distributors or service providers "may in turn designate additional suppliers, distribution centers, and service providers whose continued operation is necessary to enable, support, or facilitate the work of their critical infrastructure workers."



The order requires businesses to “make all designations in writing to the entities they are designating, whether by electronic message, public website, or other appropriate means,” allowing oral designations until March 31.

Companies are also required to “determine which of their workers are critical infrastructure workers and inform such workers of that designation ... in writing, whether by electronic message, public website, or other appropriate means.” Business that continue to operate are required to practice social distancing and to practice basic minimum operations on premises.

The governor has issued [this FAQ document](#) regarding implementation of the order. For more information, please contact [John J. Walsh](#) with the Michigan Manufacturers’ Association.

## **Minnesota**

On March 25, Gov. Walz signed an [executive order](#) imposing a stay at home status until April 10 with exemptions for essential businesses as defined by the federal CISA guidelines. Section 6(j) adds additional language on “critical manufacturing,” limiting that essential business to CISA but clarifying Minnesota’s assessment that iron ore processing falls within that guidance:

This category is limited to critical manufacturing workers listed in the CISA Guidance. This category includes iron ore mining and processing operations and supplier/vendor industries essential to such mining and processing operations.

The order requires those workers who can work from home to do so, and for businesses that continue operating to practice hygiene and social distancing. The state intends to post clarifications to its essential business designations at this link: <https://mn.gov/deed/critical>

**On April 3**, Gov. Walz suggested [via news reports](#) that he is likely to extend the order until April 30, though no formal order has been made.

Per the governor’s office, companies can determine eligibility for at Critical Sector worker exemption by searching by its 4-digit [NAICS industry code](#) via [DEED’s website](#).

Also per the governor, **any company that fits within CISA guidance, the language of the executive order or the DEED resource is eligible for an exemption.** Companies with questions are encouraged to email [CriticalSectors@state.mn.us](mailto:CriticalSectors@state.mn.us) to review their status.

The Minnesota Chamber of Commerce, the NAM’s state partner in the state, and other state-based partners had worked proactively to help guide this order. The MN Chamber has a broader COVID-19 toolkit for businesses available [here](#).

## **Mississippi**

On April 1, Gov. Tate Reeves issued a stay in place [order](#) that closes all non-essential businesses in the state. The order, which lasts until April 20, adopts the definition of exempt official business as defined in [executive order 1463](#), which made exemptions made for “essential” businesses as defined by the federal CISA guidance as well as added language designating manufacturing as essential:

Manufacturing including food processing and production, pharmaceuticals, food additives, medical equipment, medical devices and supplies, technology, biotechnology, chemical products, telecommunications products, automotive production and suppliers, healthcare, energy, steel and steel products, fuel and petroleum exploration and production, lubricants, greases and engine oils, mining, national defense, sanitary and cleaning products, household products, personal care products, products used by any other Essential Business or Operation

## **Missouri**

On April 3, Gov. Parson issued a stay at home [order](#), allowing Missourians to leave their home to work at “essential” businesses as defined by the federal CISA guidance. Companies that continue operations must continue to practice social distancing and sanitization.

Any entity that employs individuals to perform essential worker functions, and that is engaged in retail sales to the public, must limit the number of individuals in any particular retail location as follows:

- Retail locations with square footage under 10,000 sq. feet must limit the number of individuals to less than 25% or less of the entity’s authorized fire or building code occupancy, as set by local authorities
- Retail locations with square footage over 10,000 sq. feet must limit the number of individuals to less than 10% percent or less of the entity’s authorized fire or building code occupancy

The order is to be enforced statewide, but allows cities or counties to make additional rules to long as nothing conflicts with the statewide order.

Several localities had previously imposed stay in place orders: St. Louis County issued a shelter in place [order](#) from March 23 through April 22 but with specific exemptions for manufacturers, their distributors and supply chain. The county has posted additional FAQ responses [here](#). The City of St. Louis issued a similar order [here](#), with updates available [here](#). The City of St. Louis has created a “economic development update” resource [here](#). Jackson County, Missouri (which covers Kansas City) issued a March 22 “stay at home” order matched by other Kansas counties that includes essential designations for the “manufacture, distribution, and supply chain for critical products and industries.” The city of Maryville, MO imposed a stay in place [order](#) on March 29, exempting several “critical manufacturing” businesses as captured in Exhibit A, Item 15 under “Essential Businesses.”

## **Montana**

On March 26, Gov. Bullock [issued](#) a stay at home order that is effective Mar. 28 to Apr. 10 which closes all nonessential businesses. The order references CISA guidance for the definition of essential businesses which may continue to operate while this order is in effect.

On March 30, Bullock [issued](#) additional travel restrictions requiring anybody who comes to Montana from out of state for [non-work travel](#) to self-quarantine for 14 days upon arrival. The order also authorizes the Montana National Guard to insist with enforcement if called upon by the governor to inquire about travel history or to take temperature checks.



## **Nebraska**

[Recommended](#) limits on mass public gatherings to no more than 50 people, but no formal restrictions for manufacturers.

## **Nevada**

On March 31, Gov. Sisolak issued a stay at home [order](#) for Nevada that exempts from enforcement those leaving their home to work at an “Essential Licensed Business” as established by his March 20 emergency order. That [document](#), in Section 1(b) includes exemptions for “essential infrastructure operations, including ... manufacturing.” Companies that remain in operation must practice social distancing and other mitigation policies. The March 31 order extends the stay in place order until April 30.

## **New Hampshire**

On March 26, Gov. Sununu [issued](#) a stay-at-home order, accompanied by [list of industry sectors](#) deemed to perform essential services and continue operating while this order is in effect. While the order does not explicitly incorporate CISA guidance, it does provide a broad exemption for manufacturing operations, including a specific manufacturing section:

Manufacturing companies, distributors, and supply chain companies producing and supplying materials and products for industries that include, but are not limited to, pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, construction, gun and related products (including associated retail), operations of dams, water and wastewater treatment, national defense, communications, as well as products used by other essential businesses and operations

If the function of your business is not listed above, but you believe that it is essential or it is an entity providing essential services or functions, you may request designation as an essential business. These requests should be submitted to [essential@nheconomy.com](mailto:essential@nheconomy.com) and include basic contact information and a brief justification.

On March 24, the NAM’s state partner the Business Association of New Hampshire, wrote Gov. Sununu to urge him to designate all manufacturers as “essential” businesses as part of any stay in place order.

## **New Jersey**

New Jersey issued two executive orders on Saturday establishing a "shelter in place" rule beginning on Saturday evening, but with broad exemptions for manufacturers.

[E.O. 108](#) supersedes any state or municipal determination, indicating the statewide ordinance governs all of New Jersey. [E.O. 107](#) provides detail for the shelter in place ruling.

[A FAQ document](#) about E.O. 107 prepared by Business.NJ.Gov, the state's commerce and innovation office, clarifies that manufacturing in the state may continue:

*Manufacturing, industrial, logistics, ports, heavy construction, shipping, food production, food delivery, and other commercial operations may continue operating, but as explained above, they should limit staff on site to the minimal number to ensure that essential operations can continue.*

E.O. 107 does not mention manufacturing and focuses mostly on restrictions for retail businesses.

Other provisions of E.O. 107 provide exemptions for individuals to leave their residence to "reporting to, or performing, their job" (section 2-5).

Section 10 says that businesses remaining open must accommodate employee "telework" wherever possible, while Section 11 orders businesses to practice social distancing and reduced workforce arrangements wherever possible for employees who cannot telework.

Finally, the order makes clear that the "State Director of Emergency Management, who is the Superintendent of State Police," is the official "to make additions, amendments, clarifications, exceptions, and exclusions to that list."

The NAM is working closely with its state partner, the New Jersey Business and Industry Association, to further address member inquiries. For more, please contact [Michele Siekerka](#), Esq. with the New Jersey Business and Industry Association.

## **New Mexico**

On March 25, Governor Lujan-Grisham [issued a stay in place order](#) that closes all non-essential businesses, with an exemption for manufacturers and other "essential" businesses. The manufacturing exemption for essential businesses in Section 3(h) reads:

*Manufacturing operations involved in food processing, manufacturing agents, chemicals, fertilizer, pharmaceuticals, sanitary products, household paper products, microelectronics/semi-conductor, primary metals manufacturers, electrical equipment, appliance, and component manufacturers, and transportation equipment manufacturers."*

Sections 3(g) and 3(n) also offer exemptions for critical utilities and power generation:

Infrastructure operations including, but not limited to, public works construction, commercial and residential construction and maintenance, airport operations, public transportation, airlines, taxis, private transportation providers water, gas, electrical, oil drilling, oil refining, natural resources extraction or mining operations, nuclear material research and enrichment, those attendant to the repair and construction of roads and highways, solid waste collection and removal, trash and recycling collection, processing and disposal, sewer, data and internet providers, data centers, technology support operations, and telecommunications systems;

AND



Utilities, including their contractors and suppliers, engaged in power generation, fuel supply and transmission, water and wastewater supply;

The order does not appear to reference the federal CISA guidance for essential businesses.

For more, please contact [Larry Sontagg](#) with the New Mexico Business Coalition.

## **New York**

On March 22, Gov. Andrew Cuomo issued [guidance](#) through Empire State Development for businesses to reduce their in-office presence by 100% with the exception of those manufacturers considered “essential.” This stay in place order was extended until April 15.

Empire State Development has developed [this listing of businesses](#) considered “essential” for the purpose of this order, including a number of manufacturers, specifically including food processing, all foods and beverages, chemicals, medical equipment/instruments, pharmaceuticals, safety and sanitary products, telecommunications, microelectronics/semi-conductor, agriculture/farms and paper products.

If the function of your business is not included in the list but you believe it should be deemed essential, you may [request designation](#) as an essential business. You can email those applications to [covid19designations@esd.ny.gov](mailto:covid19designations@esd.ny.gov).

The state has set up a [portal](#) and [FAQ](#) for businesses to submit business-related COVID-19 issues and questions.

Per the NAM’s state partner, the Business Council of New York, suppliers that make material products for essential businesses are included as essential businesses. However, to the extent that these suppliers produce material for both essential and non-essential businesses, it is expected that the suppliers will adhere to the requirements to reduce employees for non-essential lines/production activities to the extent practical. Regardless, employers are strongly encouraged to allow employees to work from home for those employees not needed in the actual manufacture of materials/products that are part of the essential business supply chain (i.e. human resources, accounting, etc.).

Earlier in the week, Governor Cuomo [issued an executive order](#) closing all indoor common areas of shopping centers, restaurants should limit themselves to take-out and delivery orders, and closing all places of public amusement, both indoor and outdoor. Limits on mass gatherings and public spaces [imposed](#) on March 13 with no specific implications for manufacturers in the state.

NYC has also [ordered](#) all establishments that serve food and drink closed until further notice, they may remain open for the sole purpose of carry-out and delivery orders. All entertainment venues ordered closed, commercial gyms closed. A shelter in place order has not yet been imposed.

## **North Carolina**

On March 27, Gov. Cooper signed a stay at home executive [order](#) that closes businesses effective 30 days beginning Monday, March 30. It includes exemptions for manufacturers as defined by CISA, and adds additional language for manufacturers.

Section 2(C)(2) incorporates the federal CISA guidelines by reference, while Section 2(C)(26) adds additional language for “Manufacture, distribution and supply chain for critical products and industries”:

Manufacture, distribution and supply chain for critical products and industries. Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, communications, as well as products used or commonly sold by other COVID-19 Essential Businesses or Operations.

The order requires businesses that remain operational to function at minimum basic operations and practice social distancing.

Most notably, Section 4 of the order goes in great length to note that the statewide executive order does not prohibit local jurisdictions from imposing harsher restrictions in response to COVID-19 (Section 4-A). For that reason, a rundown of the existing local stay in place orders still follows below, though none have been so far enacted without exemptions for manufacturers.

- On March 26, Buncombe County (Asheville) [issued](#) a stay at home order. The order incorporates CISA guidance, but also incorporates an exception for manufacturers who might not be covered by CISA, stating “Any manufacturer who retools so that a substantial part of their business is for the purpose of manufacturing and producing ventilators, personal protective equipment (PPE), or another good supporting medical response (e.g., sanitizer, disinfectant) is considered an “essential business” under this Order.”
- On March 24, Guilford County (Greensboro) [issued](#) a stay at home order which incorporates exceptions for “federally identified critical infrastructure components” to be deemed essential and continue operating.
- On March 25, Pitt County (Greenville) [issued](#) a stay at home order which incorporates CISA’s guidance on essential businesses permitted to remain open.
- On March 26, Orange County (Chapel Hill, adjacent to Durham) issued a stay at home [order](#) which incorporates CISA’s guidance on essential businesses permitted to remain open.
- The Town of Beaufort has issued a stay at home [order](#) which incorporates CISA’s guidance on essential businesses permitted to remain open.
- On March 25, the Mayor of Durham issued a stay at home [order](#) which incorporates CISA’s guidance on essential businesses permitted to remain open. The city has also provided a [FAQ resource](#).
- On March 24, Mecklenburg County (which covers Charlotte) issued a stay in place [order](#) with an exemption (Section 20) for “manufacture, distribution and supply chain for critical products and industries.” The county also issued this [FAQ resource](#).

- On March 25, Cabarrus County (adjacent to the Charlotte area) issued a stay in place [order](#) that includes exemptions for essential industries, which in this order includes “Manufacture, distribution, and supply chain for critical products and industries.” (Section 20)

The NAM has worked closely with its state partner the NC Chamber to shape the order ahead of its implementation. The NC Chamber on Saturday [wrote Gov. Cooper](#) urging to use shelter in place as a last resort, writing, “Manufacturers in our state are producing goods that we need in our daily lives, as well as resources that are integral to our nation’s response to COVID-19.” The NC Chamber has produced a [resources page](#) for NC businesses as they respond to COVID-19.

The Business Emergency Operations Center in North Carolina remains the main point of contact for NC Business Operation questions. Please contact [Persia Payne-Hurley](#) with NCDPS for more.

### **North Dakota**

On March 27, Gov. Burgum issued an executive [order](#) shutting down bars, restaurants and other public retail businesses with no apparent impact on manufacturers.

The ND Department of Public health issued on March 30 travel restrictions requiring those traveling from a list of out-of-state destinations [on this page](#) to self-quarantine for 14 days upon arrival. The order exempts critical infrastructure workers as defined by the federal CISA guidance, inclusion of which came at the urging of the North Dakota Chamber.

For more, contact [Matt Gardner](#) with the North Dakota Chamber.

### **Ohio**

On April 2, Ohio Gov. Mike DeWine extended the state’s stay in place [order](#) through May 1 and adopted a mandatory self-quarantine for out-of-state visitors. The order provides exemptions from both requirements for “essential” businesses, which the updated order defines as those industries identified by the federal CISA guidance as well as added language for manufacturing:

**Manufacture, distribution, and supply chain for critical products and industries.**

Manufacturing companies, distributors and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, national defense, communications, as well as products used by other Essential Businesses and Operations.

The order also provides a dispute settlement mechanism for instances where local orders might be in conflict, directing the Ohio Department of Public Health to settle the matter. Businesses that remain operational must enforce six-foot distances in between customers, provide hand sanitizers and provide hours during which vulnerable populations can patronize those businesses.



On March 23, OMA's legal counsel, Bricker & Eckler, has produced [this analysis of Ohio's stay-at-home order](#) and its impact on manufacturers.

The NAM's state partners, the Ohio Manufacturers' Association, [issued this additional guidance from their legal counsel](#). [Click here for the Ohio Manufacturers' Association's resource page](#).

OMA has also joined with the Ohio Hospital Association and the Ohio Manufacturing Extension Program to form the **Ohio Manufacturing Alliance** to combat COVID-19. [Click here](#) for a fact sheet on the alliance, and contact the group [here](#).

### **Oklahoma**

On April 1, Gov. Stitt issued a new executive [order](#) that applies statewide that prohibits mass gatherings larger than 10 people, closes non-essential businesses and which clarifies previous self-quarantine orders to make exemptions for essential businesses.

The latest order (in Section 20) adopts the federal CISA guidance as Oklahoma's definition of essential businesses, and adds to it a number of additional manufacturing sectors as defined by [this amended memorandum](#). The order maintains a mandatory, 14-day self-quarantine for those arriving in Oklahoma from Connecticut, New Jersey, New York, Washington, California or Louisiana. After direct input from the NAM's partner, the State Chamber of Oklahoma, the new order exempts from this travel restriction workers who come into the state under the order's definition of essential businesses.

For those companies unsure about their status, Oklahoma has provided additional resources including an essential business [list](#) and exemption application form [here](#).

### **Oregon**

A March 23 [order](#) by Gov. Brown orders closed beginning March 24 the closure of businesses "for which close personal contact is difficult or impossible to avoid," mostly applying to spas, gyms, amusement parks and the like. The order keeps closed bars and restaurants for on-premises service. The restrictions appear only to affect retail businesses and do not affect manufacturing or other industrial operations, except to require businesses to practice maximum possible amounts of telework, and to designate an employee or officer to establish, implement, and enforce social distancing policies."

### **Pennsylvania**

**April 1:** Gov. Wolf extended his stay in place [order](#) statewide, incorporating the same exemptions for essential business as designated within previous orders.

**April 3:** Gov. Wolf closed applications for businesses to be determined as an "essential" business that is exempt from stay in place and business closure laws. The state will continue to review applications that have been made, but no longer accept new applications for a waiver. [Please read the section below closely](#), which makes clear that companies do not necessarily have to apply for an exemption.

While companies will not be able to submit new exemption applications, we have maintained the information below as guidance and context for manufacturers.

Beginning March 21, Gov. Wolf in Pennsylvania [ordered](#) all “non-life sustaining” businesses to close their physical locations. The state’s determination of which businesses are considered “life-sustaining” is based on NAICS codes, and [can be found here](#). (Last updated April 1.)

Additional guidance for manufacturers in the state is available via an [updated FAQ](#) document.

That FAQ goes into more detail about how companies should determine whether they are “life-sustaining” under the PA orders, and whether to see an exempt business waiver. Since the current (March 24) yes/no [list](#) is based on NAICS codes, they advise companies to first see whether the NAICS code they use to (for instance) buy insurance or pay taxes matches up with the list provided by the state. If a company’s code falls within those categories, they are not required to seek a waiver and may remain open so long as they practice social distancing and other mitigation efforts.

Companies that don’t fall within that list of “life-sustaining” businesses should apply for a waiver through the state of PA, determinations on which will be made to align as best as possible with the federal CISA guidance. The updated FAQ about on the state’s order clarifies that businesses that have applied for a waiver should presume not to operate under the governor’s existing order unless informed explicitly by the state that they have received a waiver to do so. (See [Question 3](#) here.)

**While waiver applications are now currently closed to new submissions,** Pennsylvania had made available [business waiver application form](#). [According to the governor’s office](#), exemptions would be made with an eye toward the federal CISA guidance. The update came after a flood of exemption requests directed into the governor’s office by the NAM. We had also directed companies to the following key contacts in Pennsylvania:

- ⇒ Companies should please email [RA-dcexemption@pa.gov](mailto:RA-dcexemption@pa.gov) with the Institute’s name, you or another contact person, contact information and DCED will be in touch with details about the process.
- ⇒ The governor’s office has set up a hotline and email address for manufacturers to send questions regarding their ability to continue operations: 1-866-466-3972 or [ra-dcedcs@pa.gov](mailto:ra-dcedcs@pa.gov)
- ⇒ Elena Cross in the governor’s office is the lead staff contact: [elecross@pa.gov](mailto:elecross@pa.gov)

## **Puerto Rico**

The government of Puerto Rico has imposed some of the most severe restrictions on businesses, [ordering](#) most businesses closed including manufacturers. Manufacturers may petition for exemptions under these guidelines issued March 18 by the Puerto Rico Department of Economic Development and Commerce. [Please click here for a copy of that order](#).

The NAM’s state partner in Puerto Rico issued [this guidance](#) (in Spanish), and the NAM is working to ensure manufacturers’ continued ability to operate in Puerto Rico.

### Rhode Island

On March 28, Gov. Raimondo issued a stay in place [order](#) that orders closed only non-essential retail businesses in the state. The order has no apparent impact for manufacturers at first read. Gov. Raimondo has also [ordered](#) all out-of-state visitors – not just those from New York – who **travel to the state for a non-work reason** to self-quarantine for 14 days.

For more, contact [Deb Cochrane](#) with the Rhode Island Manufacturers Association.

### South Carolina

On April 3, Gov. McMaster issued a stay in place [order](#) closing “[non-essential](#)” businesses in South Carolina, including entertainment venues, recreational and athletic facilities, and close-contact service providers. Manufacturers are not specifically named within those businesses that are subject to close under the order, and do not appear to be subject to any order to close. The order specifies that the South Carolina Department of Commerce is empowered to additional clarifying regulations and answer questions at the following contact information: [covid19sc@sccommerce.com](mailto:covid19sc@sccommerce.com) or at 803-734-2873. The order will last for as long as a state of emergency is in effect for South Carolina.

**Also on April 3**, Gov. McMaster issued an [order](#) affecting rental properties that exempts in Section 1(D)(2) those individuals engaged in operations or services identified by the federal CISA guidance, as well as

Individuals operating commercial vehicles transporting essential goods and products, such as food, water, medicine, medical supplies and equipment, fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum), livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested (to include timber and wood chips); individuals employed by airlines; and individuals otherwise engaged in commercial transportation activities.

**Crucially, in Section 1(E), Gov. McMaster also applied these exemptions to his previous executive order that imposed travel restrictions for out-of-state visitors to South Carolina.** That [order](#) imposed a mandatory 14-day quarantine for individuals who have traveled to the state from high-risk areas, specifically the states of New York, New Jersey, and Connecticut, as well as the City of New Orleans, Louisiana.

The clarification came after direct advocacy by the NAM's state partner, the SC Chamber, and the NAM urging Gov. McMaster to clarify the travel restrictions to clearly designate manufacturing as essential.

### South Dakota

On March 25, Gov. Noem signed an executive [order encouraging](#) businesses to modify practices or scale down operations, but with no apparent force of law. A section reading “Limitations” asks South Dakotans to read the order in conjunction with the federal CISA guidance, suggesting continued exemptions for manufacturers in the state.

### Tennessee



On April 2, Gov. Lee signed an executive [order](#) requiring those in Tennessee to stay in place until April 14, with exemptions for essential business as defined by his earlier [Executive Order No. 22](#). (The previous order had closed most businesses and established the framework for "essential" businesses, but had only "urged" individuals to stay in place.)

Attachment A specifies essential businesses allowed to continue operating, incorporating the federal CISA guidance in Section 1, and adding additional exemptions for manufacturers in Section 25:

**Manufacturing, distribution and supply chain for critical products and industries.**

This includes but is not limited to: manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, bio technology, healthcare, chemicals, sanitation, waste pick up and disposal, agriculture and agricultural products, food and beverage, household consumer products, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, Defense and National Defense, and communications, as well as products used by or component parts of other Essential Services.

For more, contact [Kelly Boutwell](#) with the Tennessee Chamber of Commerce.

## **Texas**

On March 31, Gov. Abbott signed an executive [order](#) requiring Texans to minimize in-person contact with other people who are not part of the same household, and which adopts an "essential" business designation that consists of everything contained within the revised version of the federal CISA guidance. The order requires the Texas Division of Emergency Management to maintain a list of essential businesses ([found here](#)), along with an exemption request form (which can be found on the [same page](#)) and email address: [EssentialServices@tdem.texas.gov](mailto:EssentialServices@tdem.texas.gov)

The March 31 order supersedes any local ordinance that restricts essential businesses as identified within [GA-14](#). It leaves in place travel restrictions identified in previous orders.

**NEW:** The Texas Division of Emergency Management issued an update to their travel restriction guidance to clarify that businesses identified as essential in Order GA-14 are considered essential and do not need to apply for a waiver under the travel restrictions put into place in previous orders. The agency emphasized that employees of companies covered by the CISA Essential Critical Infrastructure Guidance [should carry a letter from their employer identifying them as such and stating that they are traveling for a business purpose](#).

The travel orders signed by Abbott imposed mandatory self-quarantines for travelers from geographies with high outbreaks of COVID-19 to subject themselves to a mandatory, 14-day self-quarantine upon arrival in Texas. Abbott's first order ([GA-11](#)) affected those traveling from New York, New Jersey, Connecticut or the City of New Orleans. On March 30, Abbott [expanded](#) that order to include travelers from California, Washington state, Atlanta, Chicago, Detroit and Miami. That order was also expanded to include the entire state of Louisiana and [ordered](#) the Texas Department of Public Safety to enforce a mandatory border quarantine for those arriving from Louisiana.

For companies unclear about their status can [complete this form](#) to seek additional exemptions from the travel restrictions.

The NAM's state partners have indicated that companies are able to continue operations while awaiting a determination from TDEM, but recommends making sure that all essential workers have their company ID and a credential or letter indicating that they are an essential worker for your company as specified by the federal CISA guidance.

On March 22, the County of Dallas issued a "shelter in place" [order](#) that provides exemptions for businesses identified as "essential" within the federal CISA guidance, along with "any manufacturer who retools so that a substantial part of their business is for the purpose of manufacturing and producing ventilators," who may apply for an "essential business" exemption.

[On March 24](#), Harris County Judge issued a stay-at home [order](#) until April 3, residents are to stay home except for groceries and errands, or if they work in essential industries. This order applies to unincorporated Harris County as well the city of Houston and other municipalities. The order lists as essential those industries identified by the federal CISA guidance, and makes additional exemptions for manufacturers in Section 2(b)(xi):

**Infrastructure, Development, Operation and Construction.** For example, public works construction, construction of housing or other types of construction including commercial, manufacturing, airport operations and aircraft manufacturing, maintenance or repair, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).

[Workers in the energy industry](#) as well as at the Port of Houston, which Mayor Sylvester Turner said are crucial to the local economy, will be allowed to remain on the job. They must implement social distancing rules.

On March 24, the city of Ft. Worth [issued](#) a stay at home order that adopts the federal CISA guidance as the standard for exemptions as "essential" business operations.

Galveston County issued a [stay-at-home order](#), businesses identified as "essential" within the federal CISA guidance, along with "any manufacturer who retools so that a substantial part of their business is or will be producing medical supplies in response to shall be considered an essential business.

On March 24, the City of Austin [issued](#) a stay in place order that, in Exhibit B attached with the order, exempts critical manufacturing in Section 2(d) and in Section 2(q) incorporates by reference the federal CISA guidelines.

## Utah

On March 28, Gov. Herbert [issued](#) recommendations that Utahns stay at home, but the order specifies that it is not a "stay in place" order.

## **Vermont**

On March 30, Gov. Scott issued an [order](#) requiring “any person, resident or non-resident, travelling into Vermont for anything other than an essential purpose” to immediately self-quarantine for 14 days or the balance of 14 days dating from the day of arrival. This order, in Section 2, defines as essential purposes those activities outlined in the March 24 order which exempts manufacturers.

On March 24, Governor Scott [issued a stay in place order](#) closing all non-essential business. The order includes manufacturing among those essential businesses exempted from the order, defined as, “critical manufacturing, including food and animal feed manufacturing, processing and supply, pharmaceuticals and other manufacturing necessary to support the COVID-19 response as well as economic and national security.” The order does not mention the federal CISA guidance.

The order further charges the Vermont Agency of Commerce and Community Development (ACCD) to develop additional guidance as to what businesses are critical to health and safety, along with a process for responding to questions regarding acceptable continuation of business operations. Secretary Michael Schirling can be emailed here ([michael.schirling@vermont.gov](mailto:michael.schirling@vermont.gov)) and deputy secretary Ted Brady ([ted.brady@vermont.gov](mailto:ted.brady@vermont.gov)) here.

## **Virginia**

On March 30, Gov. Northam issued a stay in place [order](#) that, in Section 2(b), says that its terms do not apply “to the operation of businesses not required to close to the public under Executive Order 53.”

Executive Order 53, [issued](#) by Northam on March 23, imposed mass gathering restrictions that appear to apply only to retail business establishments. Other businesses “offering professional services” are allowed to remain open, though they are encouraged to adopt social distancing and telework standards wherever possible. Additional guidance from Gov. Northam’s office is posted [here](#). For more, contact [Kimberly Noonan](#) with the Virginia Manufacturers Association.

## **Washington**

On April 2, Gov. Inslee [extended](#) until May 4 his “stay at home” [executive order](#) shuttering all non-essential businesses in Washington State until April 6. The order, in Section 1(b), incorporates by reference the federal CISA guidance as the designation of essential manufacturing businesses. See the “Federal” section above for more detail there. Washington issued a critical infrastructure clarification [document](#) alongside the order, which mirrors the CISA guidance.

Businesses seeking clarification as to whether their business qualifies as essential under this guidance can email [business@mil.wa.gov](mailto:business@mil.wa.gov). There is also a form which businesses can fill out [here](#) to “register” as essential.

The NAM’s state partner, the Association of Washington Business, which worked closely with Gov. Inslee to ensure basic essential designations for manufacturers, has posted an extensive resource page regarding the emergency order [here](#). For more, contact [Jason Hagey](#) with the Association of Washington Business.

## **West Virginia**

On March 30<sup>th</sup> Gov. Justice issued an [executive order](#) that directs people who have traveled to West Virginia from hot spots such as New York, Connecticut, Louisiana, Italy or China to quarantine for 14 days if they travel to the state. anyone traveling into West Virginia from a high-risk area to quarantine for 14 days.

In regards to specific language on travel exemptions, it states:

This measure does not apply to any commercial activity, including without limitation commercial trucking activities and individuals who commute into or out of state for work, persons performing any emergency, health, military, or infrastructure response activities necessitating travel into the state, or persons otherwise engaged in and traveling for Essential Businesses and Operations under terms of executive order 9-20.

That order, issued by Gov. Jim Justice on March 23, imposed a [stay-at-home order](#) that goes into effective **March 24, 2020 at 8:00 PM.**

The order temporarily shuts down all non-essential business, exempting “essential” businesses as defined by the federal CISA guidance, with added exemptions for the “manufacture, distribution, and supply chain for critical products or industries.”

In regards to specify language for exemption for manufacturing it states:

**Manufacture, distribution, and supply chain for critical products and industries:** *manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services and for industries such as pharmaceutical, technology, bio technology, healthcare chemicals and sanitation, waste pick up in disposal, agriculture, food and beverage, transportation, energy Iron ore, steel and steel products, aluminum and aluminum products, petroleum propane and fuel, mining, construction, national defense, communications, as well as products used by other essential business les is an operations including without limitation filters in filtration products and services. (Here is a [link to the full order.](#))*

In a call with the WVMA, General Jim Hoyer of the West Virginia National Guard indicated the administration is monitoring the orders issued by other states relative to industry and are tuned in to the concerns of WVMA members. He noted the awareness of the need to maintain manufacturing supply chains, and the obvious issues associated with plant shutdowns and the need to maintain essential services in any case. He further advised that companies should continue to take protective measures with regard to safety and hygiene including medical surveillance and modifying work spaces to allow social distancing.

For more, contact [Rebecca McPhail](#) with the West Virginia Manufacturers Association.

## **Wisconsin**

On March 24, Gov. Evers issued a stay in place [order](#) that closes all nonessential businesses in Wisconsin, with exceptions for manufacturers.



Section 13(a) defines as essential those manufacturers include in the federal CISA guidance, specifically noting that this information was updated on March 23 (see the federal information above). Section 13(v) also offers this additional exemption for manufacturers:

**Manufacture, distribution, and supply chain for critical products and industries.** Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitation, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, national defense, communications, and products used by other Essential Governmental Functions and Essential Businesses and Operations

If a company is not listed as an essential business or operation, the order directs them to refer to this [resource with the Wisconsin Economic Development Corporation](#) for clarification. Businesses that continue operations are required to practice minimum basic operations and social distancing and telework where possible.

Companies are further encouraged in the order to look to the [Wisconsin Department of Homeland Security](#) for additional guidance.

The NAM's state partner, the Wisconsin Manufacturers and Commerce, has been assembling considerable resources for manufacturers to help them navigate the response to stay in place orders and state policy to support manufacturers in the state. [Click here](#) for some of those resources, including two informational webinars.

## **Wyoming**

Governor Gordon extended public health orders #1, 2, and 3, to expire on April 17, 2020. [Order #1](#) relates to the closing of bars, restaurants, theaters, gymnasiums, childcare centers, K-12 schools, colleges, universities, and trade schools statewide. [Order #2](#) prohibits gatherings of 10 or more people. [Order #3](#) directs the closure of nail salons, hair salons, barber shops, massage parlors, tattoo, body art and piercing shops, and cosmetology, electrology, and esthetic services.

Governor Gordon [issued an executive order](#) closing bars and restaurants for on-site consumption, theaters, gymnasiums, childcare facilities, K-12 schools, colleges, universities and trade schools statewide. Governor Gordon [announced the formation](#) of Coronavirus Task Forces.

## **CURRENT SCHEDULE OF STAY IN PLACE ORDERS**

<b>State</b>	<b>Order Enacted</b>	<b>Expiration Date</b>
Alabama	4-Apr	30-Apr
Alaska	28-Mar	11-Apr
Arizona	31-Mar	30-Apr
Arkansas	27-Mar	Until further notice
California	19-Mar	Until further notice



Colorado	25-Mar	11-Apr
Connecticut	20-Mar	22-Apr
Delaware	12-Mar	Until further notice
Florida	3-Apr	30-Apr
Georgia	14-Mar	13-Apr
Hawaii	25-Mar	30-Apr
Idaho	25-Mar	15-Apr
Illinois	20-Mar	30-Apr
Indiana	23-Mar	20-Apr
Iowa	17-Mar	16-Apr
Kansas	24-Mar	1-May
Kentucky	26-Mar	Until further notice
Louisiana	23-Mar	30-Apr
Maine	18-Mar	30-Apr
Maryland	30-Mar	Until further notice
Massachusetts	24-Mar	4-May
Michigan	23-Mar	13-Apr
Minnesota	25-Mar	10-Apr
Mississippi	24-Mar	17-Apr
Missouri	6-Apr	24-Apr
Montana	28-Mar	10-Apr
Nebraska	N/A	N/A
Nevada	20-Mar	30-Apr
New Hampshire	27-Mar	4-May
New Jersey	21-Mar	Until further notice
New Mexico	23-Mar	Until further notice
New York	20-Mar	15-Apr
North Carolina	30-Mar	29-Apr
North Dakota		Until further notice
Ohio	22-Mar	1-May
Oklahoma	24-Mar	23-Apr
Oregon	24-Mar	Until further notice
Pennsylvania	19-Mar	Until further notice
Puerto Rico	15-Mar	Until further notice
Rhode Island	23-Mar	13-Apr
South Carolina	N/A	N/A
South Dakota	23-Mar	2-May
Tennessee	23-Mar	14-Apr
Texas	20-Mar	Varies



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Utah	N/A	Until further notice
Vermont	25-Mar	15-Apr
Virginia	30-Mar	10-Jun
Washington	23-Mar	4-May
West Virginia	24-Mar	Until further notice
Wisconsin	24-Mar	24-Apr
Wyoming	N/A	Until further notice