

Proving You Are an Essential Business

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As the stay-at-home orders are being expanded and implemented, the focus of some state, county, and city authorities has shifted to enforcing them. Whether it is borne from ignorance, lack of communication and understanding, or deliberate action, some businesses and individuals have not followed the orders and continue to operate in a “business as usual” manner. This activity has gotten the attention of public officials causing an uptick in enforcement activity and printing operations need to be prepared to demonstrate that they are an essential or life sustaining business in order to avoid any orders to shut down or penalties.

Be assured that SGIA has been working with Printing Industries of America and Printing Industries of America’s Affiliates to ensure that printing and related support activities are designated as essential businesses and can remain open. Several notable situations include Pennsylvania and Minnesota, where printing was originally designated as “non-essential” and after intense pressure by the printing industry, the respective state Governors changed their position and classified printing as essential.

In determining if a business is essential, the states and municipalities are either relying upon the Department of Homeland Security’s Cybersecurity and Infrastructure Security Agency (CISA) list of “[Critical Essential Infrastructure](#)”, developing its own list, or using a combination of the CISA list supplemented with additional industries. During the COVID-19 pandemic, CISA is responsible for defining our critical infrastructure and for protecting this infrastructure from physical and cyber threats. Some orders such as those in Pennsylvania, New Jersey, Delaware, Minnesota, Oklahoma and Atlanta do identify printing, but in most instances, printing is not specifically mentioned in any orders. When not specifically mentioned, printing facilities must consider its support of the identified essential businesses as most orders will include language regarding the supply chain for each of those listed.

In areas where printing is not specifically identified, printing operations need to be prepared to demonstrate that they need to be operating. This is because of the reports where companies have been visited by a sheriff, fire marshal, or police officer wanting to know why the business is open. In one instance, the sheriff’s department had a court order demanding that the business shut down. The good news is that after intervention by legal counsel, the court order was withdrawn as the company had a legitimate reason to operate.

In the event you are visited, the first thing to do is stay calm. The second, assemble and provide documentation regarding why the company is considered an essential business. This can include the following:

- An overview of the business and the products produced, especially the ones being produced to support an essential business
- A copy of the CISA guidelines, any and all applicable disaster declarations and warnings (e.g. state and/or local municipality)
- A copy of the [United States Postal Service Letter](#) stating printing is essential to their activities.
- Letters from clients explaining that you provide essential products are also valuable.
- Analyses of business functions, operations, and occupations
- Description of determinations made on which personnel needed to be on-site for business operation
- Notices to employees regarding determinations
- Notices to particular employees when given any choices, with counter-signature requirements

The officials may also want to tour the operation to ensure that the company is taking steps to protect the workforce that is reporting for duty. The following are some practical tips to reduce exposure and maintain your business operations during this pandemic:

- **Take precautions to protect workers who report to work.** Mandatory guidance or protocols need to be implemented for employees to follow to protect themselves and their coworkers. This includes requiring ill or exposed employees to stay home, sanitizing the workspace, providing sanitizing wipes, soap and water, hand sanitizer, personal protective equipment, and practicing social distancing by arranging work spaces, reducing in-person meetings, and limiting contact with customers, delivery workers, or even other coworkers unnecessarily.
- **Develop and implement a plan to manage and control social/physical distancing** of at least 6 ft spacing for employees working alongside one another and customers who might visit the operation. For retail areas, use floor markings and other measures to keep customers apart from each other.
- **Publish a social distancing notice** at all entrances to the facility.
- **Permit employees to work from home when possible.** Encourage or require employees who can work remotely from home, to stay home and work. For nonessential employees that are uncomfortable to report for work at the facility, consider refraining from employee discipline for attendance and offering leaves of absences, unpaid or using accrued and unused paid leave.
- **Plan for workplace exposure.** Have a plan in place to communicate with employees who may be exposed to COVID-19 in the workplace, to sanitize the workplace, and relocate employees working in that area until it is properly sanitized.
- **Consider implementing a daily screening program for all staff.** For example, some health directives/ departments are requiring employers to implement the following precautions for companies that remain in operation:
 1. Screening criteria must include the following questions:
 1. Symptom check (fever, cough, shortness of breath, sore throat, diarrhea). When a touchless thermometer is available, a temperature check is strongly recommended in lieu of verbal confirmation.
 2. Any close contact in the last 14 days with someone with a diagnosis of COVID-19.
 3. Travel internationally or domestically in the last 14 days
 2. A yes to any of the screening questions above requires the employee to be self-quarantined for the following amount of time:
 1. 3 days with no fever and 7 days since first symptom
 2. 14 days if close contact of diagnosed case of COVID-19
 3. 14 days following travel

SGIA has a [Sanitation Guide](#) based on CDC guidance available that can be customized to your operation.

Given that businesses are largely forced to self-document at this time, documentation supporting their determination is essential. Good documentation demonstrates a reasonable method, reasonably applied. The record should accurately and completely describe the analyses conducted by the business, and the resulting determinations.