State Activities

AEM has been monitoring activities taken by Governors as they continue to issue closure orders and other guidance, and we are in close contact with their staff to make the case that our industry should be deemed “essential.” Today, we have key updates in Kansas, Kentucky, Mississippi, Maine, Oklahoma and Vermont. We also have some updates for New Jersey, and Pennsylvania. For information on other states please visit www.aem.org/covid-19-information-and-resources.

The Department of Homeland Security made a key update to the CISA guidance for critical manufacturing, defining the “workers needed to maintain the continuity of these manufacturing functions and associated supply chains” as part of the critical infrastructure sector.

Alaska

Alaska Governor Mike Dunleavy issued a Health Mandate ordering certain personal care businesses to close and prohibiting all gatherings of more than 10 people, unless the individuals can be greater than 6-feet apart. The order is set to take effect, March 24, at 5:00pm Alaska time. Notable, the Governors mandate does not exempt regular business activities, therefore, manufactures and other businesses will be required to comply with the social distancing requirement.

Colorado

Colorado Governor Jared Polis ordered all businesses to reduce their in-person workforce by 50%, effective March 24, at 8:00am PT. The order does not apply to critical businesses, according to additional guidance published by the Governor’s office. The list of critical businesses closely mirrors DHS’s CISA guidance on critical sectors, but does not directly incorporate the federal guidance.

The Colorado Department of Public Health & Environment published a form for businesses to complete to certify they are adhearing to “social distancing” requirements,

On March 21, the Colorado Department of Public Health & Environment issued a public health order prohibiting all gatherings greater than 10 people. While the order does not distinguish between public and private gatherings, the order does exempt office environments, and factories, so long as they adhere to a 6-foot minimum separation requirement.

Connecticut

Connecticut Governor Ned Lamont has ordered all residents to shelter in place, and all non-essential businesses to fully telework or close entirely, effective Monday, March 23 at 8:00pm ET. Governor Lamont adopted the Department of Homeland Security CISA guidelines on “essential businesses” and explicitly included critical manufacturing, both industrial and agriculture, and construction. For additional information please see DHS’s CISA guidelines on critical infrastructure. The Governor’s office has provided an online form for businesses to apply for a waiver. For other questions, please contact the DECD at COVID19.JIC@ct.gov, or call the small business hotline at 860-500-2333
Delaware

Governor John Carney ordered all residents to stay in place and all non-essential businesses to close, effective March 24, 2020 at 8:00am EDT. While the order does not directly follow DHS’s CISA guidance, it closely mirrors it. The order provides broad exemptions for all manufacturers of “materials, goods, products, or similar distribution,” and their workers. For more information, the Governor’s office also published a detailed list of businesses that are allowed to continue.

Hawaii

Hawaii Governor David Ige ordered all residents to stay in place and all non-essential businesses to close, effective March 25 at 12:01 am Hawaii time. The order explicitly adopts DHS’s CISA guidance for critical sectors that are allowed to continue to operate. Businesses that “sell, manufacture, or supply other essential businesses” are defined as essential and allowed to continue operations.

Idaho

Idaho Governor Brad Little announced Idaho would be adopting the Federal guidelines on preventing the spread of COVID-19, including the recommendation that all workers are recommended to work from home, unless they work in a critical infrastructure industry.

Illinois

Illinois Governor JB Pritzker ordered has all residents to stay at home and all non-essential business to close starting Saturday, March 21 at 5:00pm CT close until April 20, 2020. The order provides broad exemptions for essential infrastructure items (including food production and construction) and essential business to allow them to continue to operate. The order is explicitly left broad to avoid unnecessary impacts.

The order allows individuals who are providing and work for essential infrastructure to continue to work. This includes (but not limited to) individuals in the construction, roads, highways, railroads, and public transportation space. Governor Pritzker deems allowing manufacturing companies, their distributors, and supply chain companies as essential, and may continue to work. While the order identifies a number of industries, such as agriculture, steel & steel products, mining, and construction, it does not explicitly exclude other industries.

Indiana

Indiana Governor Eric Holcomb ordered all residents to stay at home, and close all non-essential businesses, effective March 24, at 11:59pm ET. The Governors order adopts DHS’s CISA guidelines on defining essential businesses and workers. The order also broadly exempts “essential infrastructure” workers, including, but not limited to, construction workers, road, highway, and railroad workers. The Governors order notes in numerous place it is explicitly left broad to avoid unnecessary impacts. The Governor’s office set up a hotline to help businesses if they have questions, please call 877-820-0890 or email covidresponse@iedc.in.gov.

Kansas
Kansas Governor Laura Kelly issued an order prohibiting all gatherings or more than 10 people. The order provides broad exemptions for “manufacturing, processing, distribution, and production facilities.”

Governor Kelly also issued an order prohibiting local jurisdictions from issuing their own shelter-in-place order if it does not provide adequate exemptions for the Kansas Essential Functions Framework (KEFF). The order defines KEFF as a framework to identify critical functions that must continue during a “stay at home” order, and has four main pillars: Connect, Distribute, Manage, and Supply. The Governors offices notes it developed KEFF with reference to Federal critical function guidelines, and its definitions mirror CISA guidance.

**Kentucky**

Kentucky Governor Andy Beshear announced he would be ordering all non-life-sustaining businesses to close any in-person service, effective March 26, at 8:00pm. The Governor said more guidance would be published on Wednesday, but indicated those covered under DHS’s CISA guidance for critical infrastructure, would be allowed to continue operations.

**Louisiana**

Louisiana Governor John Bell Edwards ordered all residents to stay at home, and all non-essential businesses to close, effective, March 23, 2020 at 5:00pm. The order also prohibits all mass gatherings of more than 10 people, however explicitly exempts factories or manufacturing facilities. The order allows individuals to go and preform essential work as stated in DHS’s CISA guidance for critical infrastructure, would be allowed to continue operations.

**Maine**

Maine Governor Janet Mills has ordered all non-essential businesses to close, and continued her order prohibiting gatherings or more than 10 people, effective March 25 through April 8. The Governor’s order adopts the DHS’s CISA guidance in defining essential businesses and operations. The Governor’s office published additional definitions on what businesses can continue to operate. If you believe your business is essential, but is not listed above, the Governors office has an online form to request designation as essential business. If you have more questions, please contact the Governors office at business.answers@maine.gov.

**Maryland**

Maryland Governor Larry Hogan has ordered all non-essential businesses to fully close and recommends all residents to remain at home, effective March 23, 2020, at 5:00pm ET. Of note, this order does not require all residents to shelter-in-place. Governor Hogan’s order adopts the DHS’s CISA guidelines on defining essential businesses, and explicitly included critical manufacturing, both industrial and agriculture, and construction. For more information, the Governor’s office also published additional guidance on what businesses can continue to operate.
Massachusetts

Massachusetts Governor Charlie Baker has ordered all non-essential businesses, effective March 24 at 12:00pm ET. The order also prohibits all indoor gatherings involving 10 or more people. The Governor’s order does adopt and follow DHS’s CISA guidelines on defining essential businesses. For more information, the Governor’s office also published additional guidance on what businesses can continue to operate. The Governor’s office has provided an online form for businesses to request an essential service designation.

Michigan

Michigan Governor Gretchen Whitmer ordered all residents to stay at home and all non-essential businesses to close, effective March 24 at 12:01am through April 13. The order allows critical infrastructure workers to report to work, and adopts DHS’s CISA guidelines in its definition. Notably, the order allows suppliers, distributors, or service providers to designate additional businesses in their supply chain as essential. Businesses are required to notify other businesses they are designating as essential in writing, by electronic message, public website, or other appropriate means.

Mississippi

Mississippi Governor Tate Reeves ordered all non-essential to close and prohibited all mass gatherings greater than 10 people, until April 17. The Governor’s order defines essential businesses very broadly, and notes that any industry not directly listed but covered by DHS’s CISA guidance is allowed to continue. The order allows the Mississippi Department of Health, Emergency Management Agency, and other departments to designate other industries as essential.

Nevada

Governor Steve Sisolak ordered all non-essential businesses to close, effective March 20, at 11:59pm PT until April 16, 2020. The order allows certain “essential licenses businesses” to continue operate so long as they follow CDC COVID-19 risk mitigation guidelines. The order explicitly allows the construction, mining, manufacturing, and infrastructure sector labor force to continue to operate (Section 6). The order also adopts DHS’s CISA’s guidance on exempting critical infrastructure workforce.

New Jersey

New Jersey Governor Phil Murphy ordered (Executive Order No. 107) all residents to stay home, unless reporting to work, and the closure of all non-essential retail businesses, effective Saturday, March 21 at 9:00pm ET. While the order requires businesses to allow their employees to telework, in cases where their workforce cannot, businesses should reduce their in-person workforce to minimal amounts necessary. The order provides example of employees that need to be present to perform their job, including, but not limited to, construction workers. Governor Murphy also invalidated (Executive Order No. 108) any county or municipal restrictions that currently or in the future may conflict with Executive Order No. 107.

On March 25, Governor Phil Murphy expanded the definition of essential businesses allowed to operate to include farm equipment stores.”
**New Mexico**

New Mexico Secretary of Health Kathleen Kunkel issued an order prohibiting all mass-gatherings and closing all non-essential business. The Secretary’s order defines “essential businesses” mirrors DHS’s CISA guidance, but does not adopt it directly. Specially, the order takes a more limited view in defining manufacturers, and only exempting a limited number of manufacturers, including primary metal manufacturers, and transportation equipment manufacturers. Also exempted from the order are infrastructure operations, including various types of construction. The Department of Health published a list of essential businesses that lists “essential manufacturing” but provides no additional information on that definition. AEM has reached out to the Department of Health for more information.

**New York**

New York Governor Andrew Cuomo issued a new order requiring all non-essential businesses to fully telework, with the exemption of businesses deemed essential, by Sunday, March 22, at 8:00pm ET. The New York Empire State Development has issued guidance on what business are considered “essential,” including a number of manufactures, including agriculture / farms, and construction for essential infrastructure or for emergency repair and safety purposes. AEM is in communication with the state and has learned that individual businesses can complete the online form and request a designation as an essential business.

**North Dakota**

Montana Governor Steve Bullock has announced the closure of dine-in restaurants and businesses to help mitigate the spread of COVID-19. AEM is working directly with the Governor’s office to highlight the critical role equipment manufacturers play in Montana.

**Ohio**

Ohio Governor Mike DeWine ordered all residents to stay at home and closure of all non-essential businesses, starting 11:59pm on March 23, 2020, until April 6, 2020. Governor DeWine adopted the Department of Homeland Security CISA guidelines on “essential businesses” and explicitly included critical manufacturing, both industrial and agriculture, and construction. The Governor’s order also allows for businesses that sell, manufacture, or supply other Essential businesses to operate. For additional information please see DHS’s CISA guidelines on critical infrastructure.

**Oklahoma**

Oklahoma Governor Kevin Stitt issued a stay at home order for all residents, and closed all non-essential businesses. The Governors order exempts businesses that fall under the DHS’s CISA guidance of critical. The Governor also published further guidance that adds healthcare manufactures and distributors to the list of exempted businesses.
Oregon Governor Kate Brown issued an order closing certain businesses where personal contact is difficult or impossible to avoid, mostly applying to amusement parks, gym and other entertainment businesses. The order also requires, when possible, businesses to allow employees to fully telework. In businesses that cannot telework, the business may remain open, but they must designate an employee to establish, implement, and enforce social distancing policies.

**Pennsylvania**

Governor Tom Wolf announced a delay in the enforcement of his earlier closure order until Monday, March 23, at 8:00am. Per Governor Wolf’s earlier order, businesses that were non-life sustaining were ordered to close their physical locations on March 19, at 8:00pm ET. AEM continues to be in constant contact with the Governor’s office to ensure our members are defined as essential. The Governor’s office has provided an online form for business’s to apply for a waiver.

On March 25, the Governor expanded his earlier to include residents of Erie, Lehigh, and Northampton Counties. This in order to residents of Allegheny, Bucks, Chester, Delaware, Monroe, Montgomery, and Philadelphia counties. The order still allows life-sustaining businesses, as defined by the Governors earlier order, to operate, and residents can commute to and from work. The Department of Health has provided additional guidance for residents of those counties.

Governor Wolf and the Department of Community and Economic Development (DCED) continues to issue updated guidance on what businesses are essential (last updated March 24, 2020).

**Vermont**

Vermont Governor Phil Scott issued a stay at home order, and closure of all non-critical businesses, effective March 25, until April 15. The order exempts critical manufacturing from the closure order, but takes a narrower view in what manufactures are allowed to continue. The order defines critical manufacturing as “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 only allows construction projects to continue if they are “necessary to support the COVID-19 response and maintain critical Infrastructure”

The other charges the Vermont Agency of Commerce and Community Development (ACCD) to develop additional guidance on what other businesses should be defined as critical to economic and national security (Section 7). Once the ACCD develops the guidance, the order will allow businesses to request an exemption from the order.

**Virginia**

Virginia Governor Ralph Northam ordered a closure of all non-essential retail businesses and prohibition of gatherings or more than 10 people, effective, March 24, 2020 at 11:59 pm ET. Other, businesses are allowed to continue to operate so long as they follow CDC requirements on “social distancing,” and adopt telework standards, if possible.

**West Virginia**
West Virginia Governor Jim Justice ordered all residents to stay at home and the closure of all non-essential businesses, effective March 24, at 8:00pm ET. The order adopts DHS’s CISA’s guidelines on essential businesses. The order also allows essential infrastructure workers, engaged in construction, to continue to operate and work. Notable, the order also allows manufactures, distributors, and their supply chain companies to continue to operate.

Washington

Governor Jay Inslee ordered all residents to stay at home and required all non-essential businesses to close, except for preforming basic minimum activities, effective March 25 at midnight. The Governors issued guidance on the definitions of essential businesses, and it mirrors the DHS’s CISA guidelines on critical infrastructure. Essential businesses are required to adopt OSHA’s guidelines on preparing the workplace for COVID-19. If you have any questions, or believe your business is essential please email the Governors office at business@mil.wa.gov.

Wisconsin

Wisconsin Governor Tony Evers issued a stay at home order, requiring all residents to stay at home and all non-essential businesses to close. The order adopts DHS’s CISA guidance in defining essential businesses. Also exempted are other manufacturers, distributors, and supply chain companies for essential businesses. The order also broadly exempts “essential infrastructure” workers, including, but not limited to, construction workers, road, highway, and railroad workers. The Wisconsin Economic Development Corporation has provided this online form for businesses, if not listed on the CISA list, to request a designation as essential.