

March 26, 2020

To: National Governors Association

Together, our organizations represent all sectors of the U.S. economy, including those businesses at the forefront of the coronavirus response. To help our continued response, we have called on state and local governments to take a uniform approach that allows “essential business” and “critical infrastructure” to operate as they issue stay-in-place orders. Many governors and local leaders have done this by incorporating by reference the guidance from the Department of Homeland Security’s Cybersecurity and Infrastructure Security Agency (CISA) on the identification of essential critical infrastructure workers in their orders. This direct adoption of the federal guidance is critical for continuity of operations and allows businesses and workers to focus on serving their communities and the nation during these unprecedented times. We thank the leaders who have taken this collaborative and balanced approach and urge others to follow this strategic model. We also thank you for including language in support of the CISA guidance in your March 24, 2020 [overview memorandum to stakeholders](#).

We urge the nation’s governors to follow a uniform model of documentation to help local leaders and law enforcement officials recognize those essential and critical businesses and their employees. States that opt to incorporate the federal guidance rather than craft their own will benefit from the clarity such an approach offers and free up resources to focus on other emergency response efforts. We ask governors to replicate this pragmatic model to create clarity regarding documentation for workers, essential businesses and supply chain transportation.

The lack of clarity around what constitutes “critical” and “essential” in such designations, and the lack of uniformity in guidance and documentation to ensure that “critical” or “essential” employees may travel to work locations under travel restrictions, is hampering efforts to respond to this crisis. Fear of running afoul of state and local restrictions has a chilling effect on companies carrying out these essential operations. To resolve this uncertainty, we urge governors to follow a uniform model and provide guidance and educational tools to state and local law enforcement, employers, and employees on the procedures for the operations of essential businesses and critical infrastructure. We encourage you to work with CISA to develop guidance that can be broadly adopted across all states and localities. Such guidance would ensure that essential businesses do not face interruptions or penalties as they work to meet the demands of the current public health emergency.

Prioritizing the ability of our workforces to continue providing critical services is essential to all of our safety, health, and security. We appreciate NGA’s and the governors’ continued support for these workers and the critical services they are offering in the current environment.

Sincerely,

Business Roundtable  
National Association of Manufacturers  
U.S. Chamber of Commerce

cc: State Governors, Territory Governors, Mayor Muriel Bowser