

MEMORANDUM

TO: Food and Agriculture Clients
FROM: Cornerstone Government Affairs
SUBJECT: Critical Infrastructure
DATE: March 22, 2020

On March 16th, the President issued updated Coronavirus Guidance for America. This guidance states that:

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

On March 19th, the Cybersecurity and Infrastructure Security Agency (CISA) issued guidance on an initial list of “Essential Critical Infrastructure Workers.” A full copy of the guidance memo may be found at this link:

<https://www.cisa.gov/sites/default/files/publications/CISA-Guidance-on-Essential-Critical-Infrastructure-Workers-1-20-508c.pdf>

CISA is clear that state and local government have primary responsibility to implement response activities in their communities and that this guidance is not intended to preempt or override those decisions. However, it is intended to inform and help ensure consistency as local governments implement their response plans.

A particular area of concern that has been discussed heavily since issuance of this guidance is ensuring that food and agricultural workers and shipments move freely in the event of local, state or federal shelter-in-place or other similar movement restrictions. ***While nothing in this memo should be construed as legal advice,*** we are providing a model letter that can be issued on your company’s letterhead and provided to employees and drivers to inform them of this guidance and to assist them in the event of movement restrictions in your area.

If you have questions, Cornerstone’s Homeland Security and Food & Agriculture teams are available to respond.

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Employee Travel Related to Critical Infrastructure

1. Presidential Policy Directive 21 (PPD-21) designates the food and agriculture sector as a critical infrastructure sector whose assets, systems, and networks are considered so vital that their incapacitation or destruction would have a debilitating effect on security, national economic security, national public health, or safety.
2. The President's Coronavirus Guidance published on March 16, 2020 instructs employees of Critical Infrastructure Industries, such as the food and agriculture sector, to maintain normal work patterns during the global coronavirus outbreak.
3. The Cybersecurity and Infrastructure Agency (CISA) published guidance on March 19, 2020 identifying food and agriculture employees as critical infrastructure workers essential to the continued viability of this sector who should maintain normal work patterns pursuant to the President's Coronavirus Guidance.
4. This document certifies that the individual bearing this document is an employee of, and traveling to or from work in, a food or agriculture facility, the continued operation of which is vital for security, national economic security, national public health, and safety.

Certified by:

_____ [company representative]

_____ [Employee Name]

Shipment of Supplies Related to Critical Infrastructure

1. Presidential Policy Directive 21 (PPD-21) designates the food and agriculture sector as a critical infrastructure sector whose assets, systems, and networks are considered so vital that their incapacitation or destruction would have a debilitating effect on security, national economic security, national public health, or safety.
2. The President's Coronavirus Guidance published on March 16, 2020 instructs employees of Critical Infrastructure Industries, such as the food and agriculture sector, to maintain normal work patterns during the global coronavirus outbreak.
3. This document certifies that this vehicle is transporting a shipment of food and agricultural products within a sector that has been designated as critical infrastructure, the continued operation of which is vital for security, national economic security, national public health, and safety.

Certified by:

_____ [Shipping company representative]

_____ [Vehicle license plate or identification number]