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## **Agriculture is Part of the “Essential Infrastructure”**

In light of Governor Newsom’s Executive Order imposing a state-wide “shelter in place” mandate, we have been getting a number of questions about whether agricultural businesses can continue to operate as part of the “essential infrastructure.” It is important to understand definition of agriculture in this regard. As you will see, it is quite broad, and in all likelihood covers your business.

The Governor’s Executive Order can be read here: <https://covid19.ca.gov/img/N-33-20.pdf>. The particular page is part of an overall website the State has put together which provides a great deal of very important information and resources, and is the site where the State is posting all of its updates: <https://covid19.ca.gov/>. Check it frequently for updates.

The relevant scope of agriculture includes:

### **Food and Agriculture:**

Workers supporting groceries, pharmacies and other retail operations that sell food and beverage products;

Restaurant carry-out and quick serve food operations, including carry-out and delivery food employees;

Food manufacturer employees and their supplier employees-to include those employed in food processing (packers, meat processing, cheese plants, milk plants, produce, etc.) facilities; livestock, poultry, seafood slaughter facilities; pet and animal feed processing facilities; human food facilities producing by-products for animal food; beverage production facilities; and the production of food packaging;

Farm workers to include those employed in animal food, feed, and ingredient production, packaging, and distribution; manufacturing, packaging, and distribution of veterinary drugs; truck delivery and transport; farm and fishery labor needed to produce our food supply domestically;

Farm workers and support service workers to include those who field crops; commodity inspection; fuel ethanol facilities; storage facilities; and other agricultural inputs;

Employees and firms supporting food, feed, and beverage distribution, including warehouse workers, vendor-managed inventory controllers and block chain managers;

Workers supporting the sanitation of all food manufacturing processes and operations from wholesale to retail;

Company cafeterias, including in-plant cafeterias used to feed employees;

Workers in food testing labs in private industries and in institutions of higher education;

Workers essential for assistance programs and government payments;

Employees of companies engaged in the production of chemicals, medicines, vaccines, and other substances used by the food and agriculture industry, including

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pesticides, herbicides, fertilizers, minerals, enrichments, and other agricultural production aids;

Animal agriculture workers to include those employed in veterinary health; manufacturing and distribution of animal medical materials, animal vaccines, animal drugs, feed ingredients, feed, and bedding, etc.; transportation of live animals, animal medical materials; transportation of deceased animals for disposal; raising of animals for food; animal production operations; slaughter and packing plants and associated regulatory and government workforce;

Workers who support the manufacture and distribution of forest products, including, but not limited to timber, paper, and other wood products; and

Employees engaged in the manufacture and maintenance of equipment and other infrastructure necessary to agricultural production and distribution, including water delivery, etc.

### **Critical Manufacturing:**

Workers necessary for the manufacturing of materials and products needed for medical supply chains, 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.

### **What This Means for Employers:**

As you can see, “agriculture” as an essential industry is quite broadly defined, including nearly everything from farm to the end consumer. You can assure your employees that you can continue to operate, while of course taking all reasonable precautions you can to help ensure safety, such as training on hygiene, handwashing, etc. Contact Barsamian & Moody if you have questions regarding coronavirus in your workplace.

*The goal of this article is to provide employers with current labor and employment law information. The contents should neither be interpreted as, nor construed as legal advice or opinion. The reader should consult with Barsamian & Moody at (559) 248-2360 for individual responses to questions or concerns regarding any given situation.*