

March 18, 2020

Federal, State and Local Elected Officials:

The food, beverage, and consumer packaged goods industries appreciate the critical steps that have been undertaken in order to contain the COVID-19 outbreak caused by the coronavirus, SARS-CoV-2 as quickly as possible. We stand together with the federal, state, and local governments with the desire to meet this challenge and ensure that Americans continue to have access to safe, healthy foods and essential health products including disinfectants that can help kill and protect against the spread of COVID-19.

We are writing to request assistance clarifying businesses that are exempt from local gathering bans and curfews. As of March 15, the Centers for Disease Control and Prevention (CDC) recommended that gatherings be limited to 50 or fewer people, with exemptions for businesses. However, decisions to follow CDC guidance are made at the state and local level. Some states have clearly exempted food, beverage, and consumer packaged goods manufacturing facilities (e.g., those manufacturing cleaning supplies, paper goods, personal care products, etc.), while others have not. This lack of uniformity is leading to significant confusion and could further deteriorate if a level of consistency across states and municipalities is not achieved quickly.

We have two immediate asks:

1. That federal and state governments act expeditiously to coordinate a unified, clear and public framework that clearly explains that food (for human and animal consumption), beverage and consumer packaged goods manufacturers are exempted from the gathering and curfew bans that are starting to take effect. Moreover, that the employees working at these facilities should be clearly exempted and encouraged to continue to work while healthy. This would include considering all food transportation as “food for emergency restocking of stores” under the Department of Transportation’s [Emergency Declaration](#) waiving Hours of Service limitations;” and,
2. If necessary, that a federal exemption from gathering bans and curfew be granted for human, animal and pet food manufacturing facilities, as well as facilities that produce essential consumer goods critical to mitigating the spread of COVID-19, so that we can ensure the continued supply of food, essential items, while also ensuring worker safety. If authority for this action is not clear under existing federal law, then we respectfully request that the Trump Administration work with Congress to achieve the exemption legislatively as soon as possible.

Our requests are consistent with the designation of the food and agriculture industry as “critical infrastructure.”<sup>1</sup>

Further, manufacturing facilities are not areas of “public gathering,” but are heavily controlled environments that operate under strict food safety requirements, exemplify good manufacturing

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<sup>1</sup> Food and Drug Administration; United States Department of Agriculture; Department of Homeland Security. *Food and Agriculture Sector-Specific Plan*. 2015; Presidential Policy Directive 21: Critical Infrastructure Security and Resilience (PPD-21), February 12, 2013; Homeland Security Presidential Directive/HSPD-9—Defense of United States Agriculture and Food, January 30, 2004; <https://www.cisa.gov/critical-infrastructure-sectors>.

practices, and exercise rigorous hygienic protocols. As such, we are asking that federal, state and local governments exempt consumer packaged goods (CPG), including food, beverage, health, hygiene and sterilization products, and other essential manufacturing facilities like pet food, from curfew and gathering restrictions, provided that they follow worker safety guidelines put forward by the CDC and the Occupational Safety and Health Administration (OSHA).

Concurrently, we ask that the manufacturing and transportation of ingredients, packaging, warehouses, distribution centers and other indispensable parts of the supply chain be considered equally critical. As part of this critical infrastructure designation, we would like to emphasize the importance of including retail stores related to the purchase of human and pet food, beverages, and consumer packaged goods, as part of the critical infrastructure definition. Continued access to food and essential household daily staples is equally as important as the continued supply.

The food, beverage and consumer packaged goods industries stand ready to work with state and local officials as well as the federal government in order to ensure the continued supply of safe, healthy, affordable food, and other essential items.

Signed,

American Bakers Association  
American Beverage Association  
American Cleaning Institute  
American Frozen Food Institute  
American Fruit and Vegetable Processors and Growers Coalition  
American Herbal Products Association  
American Spice Trade Association  
American Sugar Alliance  
Association for Dressings & Sauces  
Beer Institute  
California League of Food Producers  
Can Manufacturers Institute  
Corn Refiners Association  
Consumer Brands Association  
Council for Responsible Nutrition  
Distilled Spirits Council of the United States  
FMI-the Food Industry Association  
Food Northwest  
Global Cold Chain Alliance  
Healthcare Nutrition Council  
Household & Commercial Products Association  
Independent Bakers Association  
Infant Nutrition Council of America  
Institute of Shortening and Edible Oils  
International Bottled Water Association  
International Dairy Foods Association

International Flight Services Association  
International Food Additives Council  
International Foodservice Distributors Association  
Juice Products Association  
Midwest Food Processors Association  
National Automatic Merchandising Association  
National Association of Chemical Distributors  
National Coffee Association  
National Confectioners Association  
National Council of Farmer Cooperatives  
National Fisheries Institute  
National Grain and Feed Association  
National Grocers Association  
National Milk Producers Federation  
National Pasta Association  
National Peach Council  
National Potato Council  
National Restaurant Association  
North American Meat Institute  
North American Millers Association  
North American Renderers Association  
Peanut and Tree Nut Processors Association  
Pet Food Institute  
Pet Industry Joint Advisory Council  
SNAC International  
Southeastern Food Processors Association  
Sugar Association

Tea Association of the U.S.A.  
United Egg Producers  
United Fresh Produce Association  
Urban School Food Alliance

USA Rice  
US Sweet Potato Council  
Vinegar Institute  
Wine Institute

cc: President of the United States  
Members of the United States Congress  
National Governors Association  
Republican Governors Association  
Democratic Governors Association  
United States Conference of Mayors  
National Association of Counties