



## COVID-19 Essential Services Memo

March 21, 2020 at 1:00pm

Based on the published guidance available as of the date and time of this memo, CALSSA concludes that the local and state orders, and the federal guidelines, allow for the continued work of the solar energy and energy storage industry under the essential services exemption provided the industry adheres to social distancing standards to the greatest extent possible.

While this document is intended to provide information related to those exemptions, it is critical that the industry use common sense and uphold a strong commitment to meeting the intent and spirit of the Shelter in Place orders. Protecting our workers, our customers, and our community is ultimately our highest priority and clearest guiding principle. This includes following CDC and OSHA social distancing recommendations, some of which are highlighted in this memo. As California faces another electricity crisis in the near future with fire season soon upon us, we must work together to build stronger, more resilient communities and we must do so in the safest manner possible.

As we all know, the governmental response to the COVID-19 crisis is changing by the hour. CALSSA will do its best to stay on top of this dynamic situation and to post updated information as the situation develops on our [COVID-19 resources page](#). We encourage our members to track and follow the updated guidance provided by local governments in your service areas.

### STATE GUIDANCE ON ESSENTIAL SERVICES

On March 19, 2020, the State of California issued a statewide Shelter In Place order stating: <sup>1</sup>

*"The California State Public Health Officer and Director of the California Department of Public Health is ordering all individuals living in the State of California to stay home or at their place of residence, except as needed to maintain continuity of operation of the **federal critical infrastructure sectors**, critical government services, schools, childcare, and **construction, including housing construction**." (emphasis added)*

On March 20, 2020, the State of California added to their COVID-19 webpage a "list of [Essential Critical Infrastructure Workers \(pdf\)](#). This document tracks with the federal guidance documents cited in the statewide order from the previous day.

<sup>1</sup> Order of the State Public Health Officer, March 19, 2020 found at <https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Health%20Order%203.19.2020.pdf> and Executive Order N-33-20 found at <https://covid19.ca.gov/img/Executive-Order-N-33-20.pdf>.

<sup>2</sup> It is important to note that the 2019 Building Energy Efficiency Standards (Title 24 of the Codes of Regulations) for low-rise residential buildings include minimum requirements for solar energy systems. See California Energy Commission, "Residential Compliance Manual for the 2019 Building Energy Efficiency Standards, Title 24, Part 6, and Associated Administrative Regulations in Part 1", page 7-1.

*"In accordance with this order, the State Public Health Officer has designated the following list of "Essential Critical Infrastructure Workers" to help state, local, tribal, and industry partners as they work to protect communities, while ensuring*

*continuity of functions critical to public health and safety, as well as economic and national security."*<sup>3</sup>

*"Workers such as plumbers, **electricians**, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and **essential operation of residences**."*<sup>4</sup>

*"Construction Workers who support the construction, operation, inspection, and maintenance of construction sites and **construction projects** (including housing construction)."*<sup>5</sup>

*"Workers such as plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of construction sites and construction projects (including those that support such projects to ensure the availability of needed facilities, transportation, energy and communications; and support to ensure the effective removal, storage, and disposal of solid waste and hazardous waste)"*<sup>6</sup>

*"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."*<sup>7</sup>

It is important to the industry's ability to continue to perform its essential work to note that the Essential Critical Infrastructure Workers fact sheet published on March 20, 2020 includes the following workers:

*Workers to ensure continuity of building functions.*<sup>8</sup>

CALSSA interprets this to include local building permitting and inspection offices.

## **FEDERAL GUIDANCE ON ESSENTIAL SERVICES**

In issuing its statewide Shelter in Place Order, the State of California cited the March 19, 2020 federal Cybersecurity and Infrastructure Security Agency (CISA) Memorandum on Identification

<sup>3</sup> Essential Critical Infrastructure Workers pdf, page 1, found on March 20, 2020 at <https://covid19.ca.gov/stay-home-except-for-essential-needs/>.

<sup>4</sup> Ibid, Essential Workforce - Public Works, page 3.

<sup>5</sup> Ibid, Other Community-Based Government Operations and Essential Functions, page 11.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid, Critical Manufacturing, page 11.

<sup>8</sup> Ibid, Other Community-Based Government Operations and Essential Functions, Page 10

of Essential Critical Infrastructure Workers During COVID-19 Response. In this memorandum, CISA defines essential services as follows:<sup>9</sup>

*"The attached list identifies workers who conduct a range of operations and services that are essential to continued critical infrastructure viability, including staffing operations centers, maintaining and repairing critical infrastructure, operating call centers, **working construction**, and performing management functions, among others. The industries they support represent, but are not necessarily limited to, medical and healthcare, telecommunications, information technology systems, defense, food and agriculture, transportation and logistics, **energy**, water and wastewater, law enforcement, and **public works**."* (emphasis added)

Under a section on Energy and Electricity, the CISA March 19, 2020 memorandum also provides:<sup>10</sup>

*"Workers who **maintain, ensure, or restore** the generation, transmission, and **distribution of electric power**, including call centers, utility workers, reliability engineers and fleet maintenance technicians"* (emphasis added)

Under the section on Public Works, the memorandum states: <sup>11</sup>

*"Workers such as plumbers, **electricians**, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and **essential operation of residences**."* (emphasis added)

The State of California Shelter in Place order references sixteen essential services defined by CISA, and the State of California COVID-19 website<sup>12</sup> provides a link to the CISA webpage<sup>13</sup> in which these services are defined as follows:<sup>14</sup>

1. Chemical Sector
2. Commercial Facilities Sector
3. Communications Sector
4. Critical Manufacturing Sector
5. Dams Sector
6. Defense Industrial Base Sector
7. Emergency Services Sector
- 8. Energy Sector**
9. Financial Services Sector

<sup>9</sup> U.S. Department of Homeland Security Cybersecurity & Infrastructure Security Agency, "Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response" found at <https://www.cisa.gov/sites/default/files/publications/CISA-Guidance-on-Essential-Critical-Infrastructure-Workers-1-20-508c.pdf>, page 1.

<sup>10</sup> Ibid, page 7.

<sup>11</sup> Ibid, page 9.

<sup>12</sup> [www.covid19.ca.gov](http://www.covid19.ca.gov)

<sup>13</sup> <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>

<sup>14</sup> Ibid.

10. Food and Agriculture Sector
11. Government Facilities Sector
12. Healthcare and Public Health Sector
13. Information Technology Sector
14. Nuclear Reactors, Materials, and Waste Sector
15. Transportation Systems Sector
16. Water and Wastewater Systems Sector

CISA's [website](#) on COVID-19 response further details its definition of essential service #8, "Energy Sector", in its [2015 Energy Sector-Specific Plan](#) in which CISA acknowledges the unique attributes of the electricity sector including private ownership and management of infrastructure including on-site distributed energy resources: <sup>15</sup>

*"In the United States, energy assets and critical infrastructure components are owned by private, Federal, State, and local entities, as well as certain energy consumers, such as large industries and financial institutions (often for backup power purposes)."*

Further, the Department of Homeland Security's Energy Sector-Specific Plan emphasizes physical threats to the nation's electricity grid, such as recent events in California due to extreme weather, and identifies the importance of enhancing "energy infrastructure reliability" as it relates to the electricity grid. <sup>16</sup> It is well-known that distributed energy resources provide electricity reliability solutions.

In addition, the Department of Homeland Security report identifies energy storage and microgrids as part of a list of measures designed to improve energy sector resiliency: <sup>17</sup>

*"Improve Preparedness and Mitigation Measures. This includes new tools for resilience assessment, monitoring of predictive failure modes of energy equipment and systems (such as synchrophasors and frequency disturbance recorders for monitoring conditions of power delivery networks), and damage prediction models. Improved flexibility and robustness measures such as power electronic-based controllers, energy storage, and microgrids have also been identified."*

## **LOCAL DEPARTMENT OF HEALTH GUIDANCE ON ESSENTIAL SERVICES**

On March 16, 2020, six counties in the San Francisco Bay Area issued [joint Shelter in Place Orders](#) that specifically define public works projects, construction of housing, and electrical work as an exempt essential infrastructure: <sup>18</sup>

*"For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of "Essential Infrastructure," **including, but not limited to, public works construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), airport***

<sup>15</sup> Department of Homeland Security, Energy Sector-Specific Plan, 2015; Page 3, Section 2.

<sup>16</sup> Ibid, page 14, Section 4.1.1.

<sup>17</sup> Ibid, page 27, Section 5.1.

<sup>18</sup> City and County of San Francisco, Department of Health, Order of the Public Health Officer, No. C19-07, Definitions and Exemptions 10 (c).

operations, water, sewer, gas, **electrical**, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for

computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.” (emphasis added)

In the following days, other counties issued their own orders with further guidance. For example, on March 19, 2020, the Solano County Public Health Department issued a Shelter at Home Order for Solano County in which it lists dozens of examples of “essential activities,” clarifying that the list is not a complete list. In it the County states: <sup>19</sup>

*“Services necessary to maintaining the safety, sanitation and operation of residences.”*

The Solano County order goes on to state:<sup>20</sup>

*“If your business is not included in this non-essential list, you may continue to operate if social distancing measures are strictly followed.”*

<b>Examples of Nonessential Activities</b>	
<i>Gyms or fitness facilities</i>	<i>Dining in at restaurants</i>
<i>Bars and nightclubs</i>	<i>Gatherings of people in a room</i>
<i>Wineries and breweries</i>	<i>Nonessential medical care should be postponed if possible</i>
<i>Sports games</i>	<i>Theaters</i>
<i>Religious institutions</i>	<i>Nail salons, hair salons, and barbershops</i>

Note that construction is not included in the list of nonessential activities.

Los Angeles County’s Shelter In Place order allows for gatherings under 10 persons, provided social distancing guidelines are followed. Exempt essential businesses include:<sup>21</sup>

*“Plumbers, **electricians**, exterminators, custodial/janitorial workers, handyman services, funeral home workers and morticians, moving services, HVAC installers, carpenters, vegetation services, tree maintenance, landscapers, gardeners, property managers, private security personnel and other service providers who provide services to maintain the safety, sanitation, and essential operation to properties and other Essential Businesses;” (emphasis added)*

*“Businesses that provide parts and service for Essential Infrastructure;”*

<sup>19</sup> [http://www.solanocounty.com/documents/ShelteratHomeOrderforSolanoCounty\(002\).pdf](http://www.solanocounty.com/documents/ShelteratHomeOrderforSolanoCounty(002).pdf) Page 1

<sup>20</sup> Ibid, Page 2.

<sup>21</sup> [http://file.lacounty.gov/SDSInter/lac/1070029\\_COVID-19\\_SaferAtHome\\_HealthOfficerOrder\\_20200319\\_Signed.pdf](http://file.lacounty.gov/SDSInter/lac/1070029_COVID-19_SaferAtHome_HealthOfficerOrder_20200319_Signed.pdf) , 13 (h) and (q).

The Los Angeles order states that it does not apply to the following essential infrastructure or operations:<sup>22</sup>

*"Essential Infrastructure, including but not limited to, public health, **public works construction, construction of housing** (in particular affordable housing or housing for individuals experience [sic] homelessness), airport operations, port operations, water, sewer, gas, **electrical**, oil refining, road and highways, public transportation, solid waste collection and removal, internet and telecommunications systems (including the provision of essential global, national, local infrastructure for computing services, business infrastructure, communications, and web-based services), and manufacturing and distribution companies deemed essential as part of the Essential Infrastructure supply chain, providing that they carry out those services or that work in compliance with social distancing requirements, to the extent practicable.*

## **SOCIAL DISTANCING STANDARDS ON THE JOB SITE AND IN THE WORKPLACE**

The protection of workers, customers and the community at-large must be our top priority. All essential services should be carried out in adherence to the greatest extent feasible to all CDC guidelines related to social distancing on the job site and in the place of business. Many of us are now familiar with the social distancing standard of keeping a distance of six feet from non-family members. The CDC and OSHA have also published several documents providing other guidelines as well.

Such guidelines include these published in a "Keeping the Workplace Safe" fact sheet encouraging employees do the following:<sup>23</sup>

### ***Practice good hygiene***

- *Stop handshaking – use other noncontact methods of greeting*
- *Clean hands at the door and schedule regular hand washing reminders by email*
- *Create habits and reminders to avoid touching their faces and cover coughs and sneezes*
- *Disinfect surfaces like doorknobs, tables, desks, and handrails regularly*
- *Increase ventilation by opening windows or adjusting air conditioning*

### ***Be careful with meetings and travel***

- *Use videoconferencing for meetings when possible*
  - *When not possible, hold meetings in open, well-ventilated spaces*
  - *Consider adjusting or postponing large meetings or gatherings*
  - *Assess the risks of business travel*
- Handle food carefully*

<sup>22</sup> Ibid, Item 15(b)(ii).

<sup>23</sup> Download available at <https://www.cdc.gov/coronavirus/2019-ncov/downloads/workplace-school-and-home-guidance.pdf>

- *Limit food sharing*
- *Strengthen health screening for cafeteria staff and their close contacts*
- *Ensure cafeteria staff and their close contacts practice strict hygiene*

***Stay home if...***

- *They are feeling sick*
- *They have a sick family member in their home*

CEC guidelines also include these published in a “Keeping Commercial Establishments Safe” fact sheet encouraging customers and employees do the following:<sup>24</sup>

***Practice good hygiene***

- *Stop handshaking – use other noncontact methods of greeting*
- *Clean hands at the door, and schedule regular hand washing reminders by email*
- *Promote tap and pay to limit handling of cash*
- *Disinfect surfaces like doorknobs, tables, desks, and handrails regularly*
- *Increase ventilation by opening windows or adjusting air conditioning*

***Avoid crowding***

- *Use booking and scheduling to stagger customer flow*
- *Use online transactions where possible*
- *Consider limiting attendance at larger gatherings*

***For transportation businesses, taxis, and ride shares***

- *Keep windows open when possible*
- *Increase ventilation*
- *Regularly disinfect surfaces*

The U.S. Department of Labor Occupational Safety and Health Administration published a guide, “Guidance on Preparing Workplaces for COVID-19”, where they provide details for how employers can protect workers and customers during this COVID-19 outbreak including:<sup>25</sup>

***Prepare to Implement Basic Infection Prevention Measures***

*For most employers, protecting workers will depend on emphasizing basic infection prevention measures. As appropriate, all employers should implement good hygiene and infection control practices, including:*

- *Promote frequent and thorough hand washing, including by providing workers, customers, and worksite visitors with a place to wash their*

<sup>24</sup> Ibid.

<sup>25</sup> U.S. Department of Labor Occupational Safety and Health Administration published a guide, “Guidance on Preparing Workplaces for COVID-19”, OSHA 3990-03 2020, page 8. Found at <https://www.osha.gov/Publications/OSHA3990.pdf>

*hands. If soap and running water are not immediately available, provide alcohol-based hand rubs containing at least 60% alcohol.*

- *Encourage workers to stay home if they are sick.*
  - *Encourage respiratory etiquette, including covering coughs and sneezes.*
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- *Provide customers and the public with tissues and trash receptacles.*
  - *Employers should explore whether they can establish policies and practices, such as flexible worksites (e.g., telecommuting) and flexible work hours (e.g., staggered shifts), to increase the physical distance among employees and between employees and others if state and local health authorities recommend the use of social distancing strategies.*
  - *Discourage workers from using other workers' phones, desks, offices, or other work tools and equipment, when possible.*
  - *Maintain regular housekeeping practices, including routine cleaning and disinfecting of surfaces, equipment, and other elements of the work environment. When choosing cleaning chemicals, employers should consult information on Environmental Protection Agency (EPA)-approved disinfectant labels with claims against emerging viral pathogens. Products with EPA-approved emerging viral pathogens claims are expected to be effective against SARS-CoV-2 based on data for harder to kill viruses. Follow the manufacturer's instructions for use of all cleaning and disinfection products (e.g., concentration, application method and contact time, PPE).*