

Washington Gov. Inslee Issues Clarifications Regarding “Essential” Businesses Exempt from His “Stay-At-Home” Order

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Guidance Document Provides Details Regarding “Essential” Functions in Several Key Washington Industries

On March 31, 2020, Washington Governor Jay Inslee issued a [Guidance Bulletin](#) providing important clarifications concerning which industries are considered “essential” and therefore exempt from his March 23 [Proclamation](#) requiring individuals to stay at home.

As we have previously [explained in more detail](#), Gov. Inslee’s “Stay Home – Stay Healthy” proclamation shuts all “non-essential” businesses and requires individuals to stay at home except to conduct essential functions such as food shopping and for employment in “essential business services.” The Proclamation includes a lengthy appendix defining [“Essential Critical Infrastructure Workers”](#) who are exempt from the stay-at-home order for purposes of employment.

The March 31 Guidance Bulletin provides detailed clarifications concerning how the “essential” designation applies to several industries, or to particular industry functions. For example, the Guidance Bulletin clarifies that workers in renewable energy, natural gas, or biofuels production are considered essential, as are workers in the energy industry involved in control systems technology, cybersecurity, emergency management, or business continuity. Commercial fishermen are declared essential, including those involved in Washington’s geoduck fishery.

In the healthcare field, workers involved in essential research and operations, including clinical trials and development of therapies based on biotechnology, are also deemed essential. Automobile repair facilities are deemed essential, as are automobile sales in very limited circumstances. The Guidance Bulletin also includes clarifications regarding home health care, retail businesses, maintenance services, moving services, and recreation facilities that may be used for permanent housing.

Industries believing they should be added to the “essential” list may [submit a request](#) to the Governor’s office seeking to be so classified.

Industries should also be aware of guidance issued by a number of Washington state agencies to address the coronavirus outbreak. For example, the Washington Department of Ecology has issued [regulatory flexibility](#) and [dangerous waste compliance](#) guidance providing some flexibility for regulated industries affected by COVID-19 and the Washington Utilities & Transportation Commission has issued a [number of guidance documents](#), most recently indicating that it will follow federal policy providing flexibility of regulations related to pipelines carrying natural gas and hazardous liquids, railroads, and motor carriers.

These guidance documents will help industries struggling to determine how they should respond to the Governor’s “Stay Home – Stay Healthy” order and also may provide significant regulatory breathing space for companies operating with a restricted workforce in adverse economic conditions.

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