

April 2, 2020

SAMPLE LETTER

Dear Governor:

On behalf of the retail industry, thank you for your leadership during this crisis to keep the American people safe. Today more than 75 percent of the workforce in the United States are being urged or ordered to stay home. This presents unforeseen challenges to our governments, law enforcement, and essential businesses that we must work through together in order to safeguard our communities.

Health and safety are priority number one for retailers during this crisis. Our members are following recommendations outlined by the Centers for Disease Control (CDC) in addition to guidance put forth by state and local health departments to slow the spread of the COVID-19 virus. Retailers are taking extraordinary steps across their entire supply chain to ensure workers are safe, customers are protected, and everyone has access to groceries, medicine, health supplies, and tools they need to weather the crisis.

Some of these extraordinary steps include:

- Shortening store hours to provide more time to deep-clean all areas of the entire store, and implementing strict protocols to ensure regular cleaning throughout the day;
- Establishing special hours for seniors and other at-risk populations to shop without increased exposure to the general public;
- Deploying options to provide contactless shopping for consumers, including home delivery and curbside staging;
- Ensuring social distancing in stores through signage, public address reminders and by restricting the number of customers in stores at one time;
- Spacing customers at the entrance, using signage, tape, floor decals, pylons, and other visual markers to ensure social distancing throughout the store and at checkouts;
- Implementing similar strict social distancing practices and cleaning regiments in warehouses and distribution centers; and,
- Reminding all employees to stay home if they or a family member is not feeling well.

We know governors, local leaders, and law enforcement have an even greater responsibility to protect the welfare of the entire community during this unprecedented crisis. Retailers are a committed partner in this effort.

While we recognize the tremendous efforts undertaken by local officials to protect our communities by any means possible, the resulting patchwork of executive actions are often ambiguous and sometimes inconsistently enforced. Well meaning, but overextended, local law enforcement agencies are applying their own interpretations to these mandates, forcing retailers to divert their attention away from providing essential services and in some cases temporarily closing stores. These conflicting orders are shifting valuable time and resources away from efficient and safe store operations designed to protect employees and customers.

We strongly urge you to consider issuing concise, statewide orders that create clarity for essential businesses, local governments, and law enforcement. Conflicting orders and guidance from counties and municipalities are beginning to create mass confusion.

Specifically, we recommend:

- Creation of statewide pre-emptive standards for retailers to follow to ensure robust compliance, incorporating recommendations from the CDC and the [CISA Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response](#).
- Avoiding orders which create operational challenges as retailers implement safety protocols and social distancing. For example, instructing retailers to sell only “essential” products or to rope off “non-essential” areas of the store. Many retailers have aisles featuring a mixture of products that are considered essential and non-essential, making rope-offs impractical. Furthermore, this type of mandate creates tension between retail workers and customers, unfairly asking store employees to be the ultimate enforcer.
- Adherence to CDC recommendations on social distancing and common-sense orders on capacity that take into consideration the size of different retail stores. Retailers are following these guidelines.
- Avoiding orders that create un-enforceable standards such as “one family member per store.” These types of arbitrary orders are impossible to enforce and are not based on safe distancing protocols or any other guidelines.
- Allowing retail businesses that are closed to the public to serve as fulfillment centers where consumers can buy online and pick up safely, curbside through contactless ecommerce. Local retailers who adhere to CDC social distancing guidelines should be given the same opportunity afforded local restaurants, who have been allowed to continue carry-out or drive-through service as a means to serve their communities, generate revenue, and keep some employees on payroll.

Finally, criminal activity tends to rear its ugly head in times like these, and retailers have seen a spike in theft and burglaries in recent weeks, including a sharp increase in physical threats toward employees. We know that police department resources are being tested during this crisis and are mindful that those on the front line are falling ill. Accordingly, we believe that concise guidance from the state can alleviate unnecessary confusion when state and local orders conflict, so that our law enforcement partners can focus their own limited time and resources on safeguarding our streets and protecting retail and other essential employees in our community.

Retailers are committed to working with all elected leaders and law enforcement to keep our communities safe. We strongly urge you to streamline executive actions so that they provide clear, concise, and common-sense instructions to guide retail operations and local law enforcement during this crisis.

The Retail Industry Leaders Association and National Retail Federation appreciate your consideration of these recommendations and we stand ready to assist in any way as you consider how to best safeguard our communities.

Sincerely,



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Retail Industry Leaders Association



David French
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