

TO: ASTA Members
FROM: Andy Lavigne, President and CEO
DATE: March 29, 2020
RE: Critical Infrastructure Workers and the Seed Industry

The U.S. seed industry stands with the entire agriculture and food value chain in its commitment to ensuring America's families have ongoing access to a healthy, safe and affordable food supply as we continue to deal with the novel coronavirus disease (COVID-19). ASTA is working closely with key coalitions and the Administration to ensure the issues facing the American seed industry during this difficult time are addressed. We are also engaged with the global seed industry to ensure that seed continues to move internationally.

On March 16, President Trump issued updated [Coronavirus Guidance for America](#). This guidance states: "If you work in a critical infrastructure industry, as defined by the Department of Homeland Security, such as healthcare services and pharmaceutical and food supply, you have a special responsibility to maintain your normal work schedule. You and your employers should follow [Centers for Disease Control and Prevention (CDC)] guidance to protect your health at work."

On March 19, the Department of Homeland Security, Cybersecurity and Infrastructure Security Agency (CISA) released a [memorandum and guidance](#) on identification of essential critical infrastructure workers during COVID-19 response to clarify what specific industry sectors are included in critical infrastructure. As recognized by the Department of Homeland Security memorandum, the Food and Agriculture Sector is part of the critical infrastructure. On March 28, CISA updated that guidance.

The updated guidance explicitly references seed.

- Employees of companies engaged in the production, storage, transport, and distribution of chemicals, medicines, vaccines, and other substances used by the food and agriculture industry, including **seeds**, pesticides, herbicides, fertilizers, minerals, enrichments, and other agricultural production aids.

The updated guidance maintains a reference to agricultural inputs

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

It also maintains a reference to equipment and other infrastructure.

- "Employees engaged in the manufacture and maintenance of equipment and other infrastructure necessary to agricultural production and distribution."

Various state and local orders issued in recent days place certain restrictions on business operations or direct individuals to stay-at-home. Some of these orders reference the CISA guidance, while others have their own critical infrastructure definitions. Accordingly, it is important to recognize that the CISA list is guidance only, not a federal directive, and is not binding on state and local authorities. Rather, it

provides a central reference point that many of the states and localities have found instructive as they have implemented their own movement and operation restrictions. Companies in the seed industry should consider whether they need to make any modifications to their operations in account of the state and local orders that cover their operations and may want to make this determination in consultation with legal counsel.

It could be useful for companies or workers to reference the CISA memo and guidance in their communications with state and local authorities to facilitate continued operations and movement. Likewise, references to the CISA list could be helpful in communications with suppliers or other business partners, such as to help them understand that they are part of the critical infrastructure.

The CISA memo does not include all functions associated with the seed industry, which is not surprising given the breadth of industries included in the document. Recognizing that there is an integrated system necessary for food production, ASTA has developed a list of functions that it considers to be essential for the functioning of the seed sector. ASTA has advocated to CISA to expressly include the below functions in the Food and Agriculture Sector list. ASTA's position is that the sector needs to include operations related to the production and sale of seed, and the related support services that enable the development and sale of seed, so that the United States can maintain an adequate food supply in the short and long term.

- Labs and companies conducting seed research including plant breeding
- Seed producers including producers of research and foundation seed
- Seed processors
- Seed suppliers and brokers
- Seed testing laboratories - private, state and Federal
- Public and private seed certifying agencies
- Manufacturers, suppliers and applicators of seed treatments including but not limited to insecticides, fungicides, inoculants and biologicals
- Agricultural retailers and distributors
- Transporters of agricultural inputs
- Crop input manufacturers and suppliers – pesticide, fertilizer, seed, etc.
- Farm and seed production equipment suppliers
- Nursery and greenhouse operations

Finally, and importantly, it also is important that members of the seed industry follow guidance from the Centers for Disease Control and Prevention (CDC) and Occupational Safety and Health Administration (OSHA) to protect worker health at work. Resources include:

- OSHA: [Guidance on Preparing Workplaces for COVID-19](#)
- CDC: [Environmental Cleaning and Disinfection Recommendations for Suspected/Confirmed COVID-19 Cases](#)
- CDC: Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19)

For the latest COVID-19 updates and policy impacting seed movement and availability, visit <https://www.betterseed.org/covid-19/>