

Publications

Updates on COVID-19 Impact on the Agriculture Industry

Related Attorneys

Thomas H. Fusonie

Andrew P. Guran

Related Industries

Agriculture

CLIENT ALERT | 3.27.2020

Agriculture Deemed Essential Business Amongst Statewide Closures

States and cities throughout the United States of America continue to order the closure of non-essential businesses to help mitigate the spread of the COVID-19 virus. While this has raised numerous concerns throughout the agricultural industry, the state orders deem the agriculture industry an essential business.

The [U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency \(CISA\) Memorandum](#), includes “Food and Agriculture” as an essential function. As to the agriculture industry, the memorandum lists the following categories as essential:

- Food manufacturer employees and their supplier employees;
- Farm workers needed to produce our food supply domestically;
- Farm workers and support service workers;
- Employees and firms supporting food, feed, and beverage distribution;
- 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;
- Animal agriculture workers;
- Workers who support the manufacture and distribution of forest products; and
- Employees engaged in the manufacture and maintenance of equipment and other infrastructure necessary to agricultural production and distribution.

Similarly, in Ohio, the statewide Director of Health’s Stay at Home Order included the agriculture industry as an essential business. The list of essential services includes all aspects of the food production supply chain, including, specifically “[f]ood and beverage manufacturing, production, processing, and cultivation, including farming, livestock,

fishing, baking, and other production agriculture, including cultivation, marketing, production, and distribution of animals and goods for consumption . . . and licensed medical marijuana cultivation centers.”

Despite the recognition of agriculture as an essential business, Ohio’s stay at home order lists certain proactive measures for businesses to follow. The lists include, allowing as may employees to work from home; ensuring sick leave policies are up to date, flexible, and non-punitive; providing protection supplies such as hand sanitizer; and frequently perform enhanced environmental cleaning of commonly touched workspaces. Ohio’s “stay at home order” was effective starting at 11:59 p.m. on March 23, 2020 and shall remain in full force and effect until 11:59 p.m. on April 6, 2020—unless modified or rescinded. **UPDATE:** On April 2, 2020, Ohio announced that the “stay at home order” has been extended until 11:59 p.m. on May 1, 2020.

COVID-19 Related Legislation to be Signed into Law

Congress passed the third phase of federal coronavirus relief legislation, the Coronavirus Aid, Relief, and Economic Security Act (the CARES Act), which will provide \$2 trillion in economic aid to individuals and businesses impacted by the coronavirus public health emergency ([click here for the Vorys CARES Act client alert](#)). The CARES Act includes:

- \$34.9 billion total for the Department of Agriculture agencies and the Food and Drug Administration to continue to respond to COVID-19;
- \$9.5 billion is to assist agriculture producers impacted by COVID-19, including specialty crop producers, local food systems, and livestock and dairy producers;
- Borrowing authority for the Commodity Credit Corporation (a Federal corporation within the Department of Agriculture) will be increased by \$14 billion; and
- The emergency appropriations under the Department of Agriculture agencies also provides for assistance to food banks, children nutrition programs, supplemental nutrition assistance program, and development of distance learning and telemedicine in rural areas.

If you have questions concerning state closures or related legislation, please contact [Tom Fusonie](#), [Dan Shuey](#), [Andrew Guran](#), or your regular Vorys attorney.

--

VORYS COVID-19 TASK FORCE

Vorys attorneys and professionals are counseling our clients in the myriad issues related to the coronavirus (COVID-19) outbreak. We have also established a comprehensive COVID-19 Task Force, which includes attorneys with deep experience in the niche disciplines that we have been and expect to continue receiving questions regarding coronavirus. Learn more and see the latest updates from the task force at vorys.com/coronavirus.