

PA Reviews Life-Sustaining Businesses

SkarlatosZonarich LLC

April 7, 2020

Two recent developments apply to Pennsylvania businesses considering themselves “life-sustaining”, and therefore permitted to continue operations. The first is a directive from the Pennsylvania Secretary of Health directing operational businesses to maintain current cleaning protocols and implement additional cleaning efforts in accordance with Center for Disease Control guidelines. The Secretary’s Directive can be found [here](#).

The second is the continued debate over Governor Wolf’s definition of “life-sustaining” business. As you know, the Wolf Administration issued a listing of “life-sustaining” businesses, amended that listing, and then for a time issued business-specific waivers to certain businesses which applied to continue operating. The option for a business to obtain a waiver is no longer available.

Many of the waiver requests resulted from businesses, which were in the supply chain for “life-sustaining” businesses. Some businesses simply chose not to apply for a waiver, but to make the argument later if an enforcement action arose. In some cases, the guidance from the federal departments conflicted with the Governor’s determinations.

Other businesses chose to complain to their state legislators. The Pennsylvania state legislature has amended its own rules to allow for remote voting, akin to telecommuting, during this Pandemic. Now the state legislature is considering the definition of “life-sustaining”. One suggestion is that Pennsylvania adopt the listing of workers and industries already identified in *Essential Critical Workers during COVID-19* adopted March 19, 2020 by the Homeland Security’s Cybersecurity and Infrastructure Agency (CISA), which can be accessed on CISA’s [website](#). CISA’s mission is to protect the United States from physical and cyber threats. Legislative proposals include reopening construction sites with appropriate social distancing and limited opening of non-essential retail with one employee and one customer present. Some proposals create guidelines for grocery stores during the Pandemic and set back to work standards for employees and other workers, among other requirements. Stay tuned for the resolution of this consideration.

Meanwhile stay safe and well.

Please consult our website for continued updates, and if you have any questions, please contact a member of the Business Team at [SkarlatosZonarich LLC](#):

Nathan D. Berry
nberry@skarlatoszonarich.com

Gregory S. Chelap
gchelap@skarlatoszonarich.com

Robert Freedenberg
rfreedenberg@skarlatoszonarich.com

Kathy Speaker MacNett
ksm@skarlatoszonarich.com

Connie Wilson
cwilson@skarlatoszonarich.com

John B. Zonarich
jbz@skarlatoszonarich.com

John R. Zonarich
jrz@skarlatoszonarich.com