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ESSENTIAL BUSINESS DESIGNATION FOR INDUSTRIAL PACKAGING INDUSTRY

Two days ago, seven counties in the San Francisco Bay area issued a legal order designed to ensure that as many citizens as possible living in the area sheltered in place to limit the spread of COVID-19. The order also made allowance for the continued operation of “Essential Businesses” and businesses providing “Essential Infrastructure” services. Individuals engaged in these businesses and services are allowed to leave their homes to go to work.

Among the dozens of listed “essential businesses” are construction, oil refining, solid waste collection and removal, airport operations, and food cultivation. Separate categories of excepted businesses are those that “...supply other Essential Businesses with the support or supplies necessary to operate...” RIPA members operating in the 7 named Bay Area Counties¹ likely fall into the latter category since it is probable that their customers include waste management companies, oil and chemical producers, food producers and so on.

Although RIPA has been unable to speak directly with decision-makers at the county level to affirm our understanding of the order, we feel rather certain that industrial packaging manufacturers and reconditioners will be viewed as “suppliers” to other “Essential Business.” In fact, a letter sent out yesterday by Chevron to its suppliers strongly supports the association’s position.

RIPA is providing this information to members because we want all of our members to be prepared to deal with broad-area “shelter in place” orders that may be issued in various parts of the county. We suggest all members be prepared to talk to their employees about these issues if or when the need arises.

We have prepared a draft letter that you can put on your company letterhead, which explains the issue to police or others who may be trying to enforce a shelter in place order.

RIPA is also working on this issue federally. Yesterday, RIPA President Paul Rankin spoke with William Schoonover, Associate Administrator, Office of Hazardous Materials Safety, about working with DOT to begin laying the groundwork to ensure that the industrial packaging industry is among the industries designated as “essential” if at some point in the future a federal order restricting the movement of individuals is issued by the President.

¹ Santa Clara, Contra Costa, San Francisco, San Mateo, Alameda, Marin and Santa Cruz.

We are also working with the American Chemistry Council, the American Fuel & Petrochemical Manufacturers Association and the National Private Truck Council asking that in their dealings with the nation's Governors and the President they talk about the importance of their packaging supply chain as one aspect of the critical infrastructure picture.

In addition, we are crafting our own letter to DOT and the President that describes the critical role industrial packaging plays in the economy and asking them to include both manufacturers and reconditioners of these items in any national designation of critical infrastructure.

RIPA will continue to keep its members fully informed about all issues related to COVID-19 and its impact on your businesses.

SAMPLE COMPANY LETTER REGARDING "ESSENTIAL BUSINESS" DESIGNATIONS

To whom it may concern,

Our business, [Insert Company Name], is excepted from the [Insert Name of County] "shelter in the place of residence" order issued on [Insert Date]. According to the order, our company is considered a "Business that supplies Essential Businesses with the support or supplies necessary to operate." We supply industrial packagings (e.g. steel drums, plastic drums, intermediate bulk containers, etc.) to a wide range of "Essential Businesses" including products necessary to maintaining safety and sanitation, cleaning products for stores and industrial facilities, oil products and a wide range of chemicals and foods.

If you have any questions about this letter, please contact me directly, [Insert Name of Company Contact and phone number].

Thank you for your consideration.

Sincerely,