



NATIONAL RETAIL FEDERATION®

March 15, 2020



**RETAIL INDUSTRY  
LEADERS ASSOCIATION**

The Honorable Larry Hogan  
Chairman, National Governors Association 444 N. Capitol Street, NW  
Washington, DC 20001

Dear Governor Hogan and Mayor Barnett:

The Honorable Bryan Barnett President, U.S. Conference of Mayors 1620 I Street, NW  
Washington, DC 20006

The health and safety of employees, customers, and families is the top priority for retailers in your communities. Retailers are following recommendations provided by the CDC and share the immediate goal of slowing the spread of the COVID-19 virus. Additionally, many retailers are stepping up during this global health crisis to assist with drive-through COVID-19 testing sites on their store properties. Utilizing parking lots and partnering with state and local governments to expedite testing is of paramount importance right now. Retailers, and particularly food retailers, are also utilizing every option to promote “contactless” operations for consumers—this includes secure home delivery and curbside pick-up. This is an unprecedented situation that demands an “all hands on deck” approach, and community retailers are eager to do their part.

Retailers prepare in advance for crisis situations to allow them to continue serving the critical needs of their customers by quickly and thoughtfully adjusting a wide variety of practices, including those related to their supply chains, stores, and employees. Families are counting on retailers right now and retailers are determined to be there for them.

As state and local policymakers design strategies and plans to mitigate against the spread of COVID-19, we encourage elected officials to make every attempt to reach out—in advance—to retail leaders to discuss recommendations on whether to close or curtail business operations. It is also important that, if a recommendation is made, it provides sufficient time for employers to craft and put in place contingency plans for employees and those impacted communities before it becomes effective. Advance notice and consultation with retail leaders can avoid causing disruption from consumers overwhelming stores and exhausting available supplies quickly. It will also enable retailers to prepare their supply chains to handle customer needs both before and after recommended, or even mandatory, store closing orders by government officials.

This communication will allow owners, store managers and business leaders to alert front-line employees of the declaration’s impact. Managers need time for an open discussion with their employees to answer questions around the measure’s duration, future employment and other personnel issues. Any recommendation or mandatory closure will have consequen-

tial impacts on every affected business, its employees, and the surrounding communities, and it is vital to understand the measures cascading impact.

We believe retail business owners are in the best position to determine if stores should remain open or close. Retailers also intend to fully comply with government instructions. However, clarity and certainty is needed to enable businesses to plan appropriately, and so that consumers remain confident in their availability to access groceries, home and auto supplies, pet services and supplies, technology needs and services, farm and agriculture equipment and livestock feed, in addition to any supplies individual consumers deem necessary for themselves, their families and their pets.

We ask elected officials to provide certainty and clarity when making recommendations regarding essential and non-essential retail businesses, if they deem them necessary. An individual's circumstances dictate what is essential to them especially as they navigate in uncertain times. Again, retailers have instituted conveniences for consumers that also respect their health and safety, such as curbside pickup options at the store, or delivery from a local store. It must also be noted that a significant percentage of U.S. households do not have access to certain payment options and are unable to purchase goods online. Retailers are also making determinations whether having limited operating hours or reduced staffing makes sense for the health and safety of their workforce and the customer.

Although the recent announcement in Pennsylvania may have been an appropriate recommendation, we want to ensure that other states and localities have more complete information before adopting similar language as a best practice, which may create confusion in the marketplace. It is our strong desire for elected leaders to exercise caution before announcing any further recommendations or requesting the closures of retail businesses.

If we can be of further assistance, please do not hesitate to contact both Michael Hanson ([michael.hanson@rila.org](mailto:michael.hanson@rila.org)) David French ([frenchd@nrf.com](mailto:frenchd@nrf.com)).

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

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Sincerely,

Brian Dodge  
President  
Retail Industry Leaders Association

Matthew Shay  
President & CEO National Retail Federation

cc: Bill McBride, National Governors Association Tom Cochran, U.S. Conference of Mayors State Retail Associations

The National Retail Federation today sent a letter to President Trump and administration officials urging the federal government to produce national guidance for state and local governments seeking to clarify “essential retail businesses and services” for their communities. The text of the letter is below and [a pdf is available here](#).

March 19, 2020

The President  
The White House  
1600 Pennsylvania Ave., NW  
Washington, DC 20500

Dear Mr. President:

The health and safety of employees, customers and families is the top priority for retailers in the United States. On behalf of the members of the National Retail Federation, we appreciate the swift efforts of your Administration to minimize the impact of the COVID-19 pandemic, both in terms of public health as well as the broader economic implications domestically and around the world. Retail is the nation’s largest private-sector employer, supporting one in four U.S. jobs — 52 million working Americans; the decisions being made in Washington this week will have lasting effects on our businesses, our employees and the communities we serve.

Retailers are following recommendations provided by the CDC and share the immediate goal of slowing the spread of the COVID-19 virus. Additionally, many retailers are stepping up during this global health crisis to assist with drive-through COVID-19 testing sites on their properties. Families are counting on retailers right now and retailers are determined to be there for them. This is an unprecedented situation that demands an “all hands on deck” approach, and retailers are eager to do their part.

Unfortunately, there remains a need for clear national guidance to resolve questions caused by a number of conflicting state and local orders that are triggering consumer, worker and business confusion, leading to cascading negative impacts on communities across the country. Our members report that towns, cities and counties are deviating from instructions offered by governors and state agencies.

- Some localities have determined that pet stores, which provide pet food and medicines, are not “essential” despite the millions of pet owners who rightfully need specialty supplies for their pet’s wellbeing.
- Several jurisdictions have overlooked the important role distribution centers and transportation logistic companies play in the retail industry. Retailers, grocers and restaurants cannot resupply without access to their distribution centers.
- Truck drivers and logistics companies need access to federal and state highway rest areas. Regrettably, some states have chosen to close rest areas they control while setting overly stringent curfews on these critical workforces serving our communities.
- When state and local governments give blanket orders to “close non-essential retail” and “limit mass gatherings to 50 people,” it causes panic and alarm. Consumers then swarm retailers, which exhausts existing supplies and overwhelms employees.

While we are working with municipal and state officials on the examples above, we ask the Administration to clarify that CDC instructions to limit gatherings to less than 50 people should be relaxed or

exempted for large format grocery stores, big box retail and wholesale clubs. Facilities with significant square footage can adequately accommodate more than 50 shoppers while effectively managing social distancing practices among customers and employees.

When state and local governments enforce 50-person limits — often through law enforcement — it creates long lines outside stores, further alarming consumers that groceries and other supplies may be in limited quantity. Most often that is not the case. Further, having hundreds of customers lined up outdoors defeats the mass-gathering guidance.

Additionally, we request that your Administration issue guidance to clarify “essential retail businesses” at a national level. The time has come to strike the right balance and we recommend these examples as a model for any state or local government issuing similar directives:

- Grocery stores, convenience stores and other establishments engaged in the retail sale or provision of food, pet supply, big box stores, wholesale clubs, and any other retailer of household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and other non-grocery products, and products necessary to maintaining the safety, sanitation and essential operation of residences;
- Local, regional and national transportation and delivery services, including but not limited to businesses that ship or deliver groceries, food, goods or services directly to residences and mailing and shipping services;
- Facilities supporting interstate delivery of goods, distribution centers, warehouse facilities and trucking and highway rest stops;
- Pharmacy and health care services;
- Convenience stores;
- Agricultural and farm retail stores, often the only place to purchase livestock feed, and one of the few places first responders can obtain critical supplies;
- Gas stations and auto supply stores, auto repair and related facilities;
- Hardware and home improvement stores;
- Restaurants and other facilities that prepare and serve food, if operating under rules for social distancing; and,
- Retailers that supply other essential businesses and people working from home with the support or supplies necessary to operate (for example, electronics, telecommunication and mobile technology).

Finally, we respectfully request that your Administration remain open to adding more categories to the specified “essential retail businesses” list as conditions continue to change. We will be sharing this suggestion with state and local governments through our state retail association partners.

Thank you for your attention to this concern and your ongoing leadership.

Sincerely,

Matthew Shay President & CEO

cc:

The Honorable Chad Wolf, Acting Secretary of Homeland Security  
The Honorable Elaine Chao, Secretary of Transportation  
Administrator Peter Gaynor, Federal Emergency Management Agency  
Deputy Administrator Jim Mullen, Federal Motor Carrier Safety Administration  
State Retail Associations