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April 17, 2020

The Honorable Jay Inslee  
State of Washington  
Office of the Governor  
PO Box 40002  
Olympia, WA 98504-0002

RE: **Request to add certain small retail businesses and their employees to the list of  
“Essential Critical Infrastructure Workers”**

Dear Governor Inslee:

Ongoing business closures resulting from necessary precautions taken to contain and prevent the spread of COVID-19 are now delaying or denying access to numerous important consumer goods and services in many parts of our state, and forcing thousands of workers to rely on unemployment benefits for partial wage replacement rather than safely returning to work.

These measures are also placing small businesses – particularly small retailers – at an even greater competitive disadvantage than before, as they sit idle while large online and “big box” retail establishments, designated as “essential,” have not only continued their operations, but are expanding.

Not surprisingly, many small businesses are nearing the breaking point and may be unable to re-open once the “Stay Home – Stay Healthy” order is lifted, unless swift action is taken to allow some of these firms to *safely* and *responsibly* resume full or partial operations

Moreover, thousands of Washington families face new challenges trying to balance telework or work-from-home activities with their children’s educational needs and requirements, such as distance or online learning. Many may lack the furnishings, equipment, and supplies needed to accommodate multiple family members expected to be at work or in class at the same time. This will become even more acute now that schools will remain closed for the rest of the academic year.

Therefore, on behalf of our member small-business owners in the retail sector, we respectfully request certain retail activities and employees be considered “Essential Critical Infrastructure,” and allowed to operate under specific conditions.

At a minimum, we recommend any retailers offering the following be considered for “essential” status:

- Cleaning supplies
- Clothing and footwear
- Computers, printers, software, networking, and related supplies
- Educational materials and supplies, including maps, newspapers, magazines, new or used books
- Exercise / personal fitness and sporting goods, including nutritional products and supplements
- Household goods, appliances, and furnishings
- Lawncare, weed control, or pest control services
- Office supplies and equipment
- Personal care and hygiene products
- Personal protective equipment
- Security devices and services

These businesses should be **required to fully comply** with the Department of Labor & Industries "[Coronavirus \(COVID-19\) Prevention: General Requirements and Prevention Ideas for Workplaces](#)," and both owners and shift managers must be familiar with the resources listed in the document from the US Centers for Disease Control, Department of Health, Department of Labor & Industries Division of Occupational Safety & Health, and US Occupational Safety and Health Administration.

In addition, these businesses should be encouraged to **take additional precautions** such as:

- Providing disinfecting wipes, hand sanitizer stations, disposable masks or gloves, or other personal protective equipment to customers.
- Installing sneeze guards at registers, if practical.
- Allowing customer access by appointment only, or limiting the number of customers allowed inside at one time, in smaller stores or those where layout may make it impractical for individuals to maintain appropriate social distancing.
- Marking aisles as "one way" to facilitate social distancing.
- Implementing more frequent shopping-cart or basket cleaning practices.
- Prohibiting the use of customer-supplied, reusable bags (including backpacks).
- Shortening store hours to provide more time to deep clean all areas of the entire store, and implementing strict protocols to ensure regular cleaning throughout the day.
- Establishing special hours for seniors and other at-risk populations to shop without increased exposure to the general public.
- Monitoring bathroom occupancy to maintain appropriate social distancing.
- Offering "no touch" payment methods.
- Offering "no contact" curbside-pickup or deliveries.
- Permitting non-essential staff, such as administrative support, accounting or bookkeeping, or marketing to continue working from home if store operations will not be adversely impacted.
- Avoiding promotional offers, contests, or other actions intended to increase in-store customer traffic that could make social distancing requirements unobtainable.
- Delaying in-store returns or exchanges until the "Stay Home – Stay Healthy" order is lifted.

Finally, these businesses should be allowed greater flexibility in staffing and work-schedule decisions to **protect workers who themselves may be at-risk**, or who do not properly comply with social distancing and hygiene requirements – without threat of discrimination or other workplace complaints being filed. We support emergency rulemaking, if necessary, to allow employers to protect these workers from undue risk of exposure.

NFIB is not asking for social distancing to be reduced or eliminated. On the contrary, we support reinforcing that **social distancing must be observed**, and that proper, **enhanced cleaning, sanitation, and hygiene practices be implemented**. We further agree that businesses refusing to comply with these measures should be subject to the “**three-tiered**” **enforcement approach** you and Attorney General Bob Ferguson announced March 30.

We would appreciate the opportunity to discuss this request, and any additional parameters that may be needed to protect public health and safety, so that our state’s small retailers can once again help provide consumers access to essential goods and services that are now in perilously low supply.

I can be reached by email at [Patrick.Connor@NFIB.org](mailto:Patrick.Connor@NFIB.org), and by phone or text to (360) 789-3355.

Thank you in advance for your consideration of this urgent request.

Respectfully,

A handwritten signature in black ink that reads "Patrick L. Connor". The signature is written in a cursive style with a large, stylized initial "P".

Patrick Connor  
NFIB Washington State Director